



# भारत का राजपत्र The Gazette of India

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No. 4] NEW DELHI, JANUARY 21—JANUARY 27, 2018, SATURDAY/MAGHA 1—MAGHA 7, 1939

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 22 दिसम्बर, 2017

**का.आ.114 .**—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मिजोरम राज्य सरकार, सतर्कता विभाग, ऐजल की दिनांक 27.10.2017 की अधिसूचना संख्या सी. 31016/78/2017-वीआईजी द्वारा दी गई सहमति से एतद्वारा भारतीय दंड संहिता 1860 (1860 का अधिनियम संख्या 45) की धारा 120बी, 420, 467, 468, 471 और पीसी अधिनियम 1988 की धारा 13(1)(घ) के साथ पठित 13(2) के तहत मार्च, 2011 से जनवरी 2015 की अवधि के दौरान क्षेत्रीय पैरामेडिकल एवं नर्सिंग साइंस संस्थान (आरआईपीएएमएस), ऐजल, मिजोरम में 22,99,779/- रु. की कथित धोखाधड़ी के संबंध में किए गए सभी प्रयासों, दुष्प्रेरण और षडयंत्र के अन्वेषण के लिए मुकदमा दर्ज करने तथा उक्त अपराधों अथवा किए गए किसी अपराध/किन्हीं अपराधों अथवा इस प्रकार के लेन-देन से उद्भूत अपराधों के दोषी व्यक्तियों के विरुद्ध सक्षम न्यायाधीश के न्यायालय में दांडिक अभियोजन के संबंध में दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों एवं क्षेत्राधिकार का विस्तार एतद्वारा संपूर्ण मिजोरम राज्य पर करती है।

[फा. सं. 228/54/2017-एवीडी-॥]

एस. पी. आर. त्रिपाठी, अवर सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS****(Department of Personnel and Training)**

New Delhi, the 22nd December, 2017

**S.O.114.**—In exercise of the powers conferred by sub section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No.25 of 1946), the Central Government with the consent of the State Government of Mizoram, Vigilance Department, Aizawl vide Notification No.C.31016/78/2017-VIG dated 27.10.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Mizoram for registration of a case under section 120-B, 420, 467, 468, 471 of the Indian Penal Code, 1860 (Act No.45 of 1860) and 13(2) read with 13(1)(d) of P.C Act, 1988 and all attempts, conspiracies, abetment relating to the alleged fraud involving Rs.22,99,779/- in Regional Institute of Paramedical & Nursing Sciences (RIPANS), Aizawl, Mizoram during the period March, 2011 to January, 2015 to carry out investigation of the same and to prosecute the offenders for the aforesaid offences or any other offence/offences made out of the same transaction in the court of competent jurisdiction.

[F.No. 228/54/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 28 दिसम्बर, 2017

**का.आ.115.**—केन्द्र सरकार एतद्वारा दिल्ली पुलिस स्थापना अधिनियम 1946 (1946 का अधिनियम सं. 25) की धारा 6 की सपठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान सरकार के गृह विभाग (Gr.-V) की अधिसूचना संख्या एफ.19 (33) गृह-5/2017 जयपुर दिनांक 24.07.2017 द्वारा प्राप्त की गई सहमति से सांवराद में दिनांक 12 जुलाई, 2017 को घटित घटना से संबंधित पुलिस थाना रतनगढ़, जिला- चुरू, में दर्ज केस एफआईआर संख्या 190/2017 दिनांक 25.06.2017 तथा पुलिस थाना जसवंतगढ़, जिला नागौर, में दर्ज एफआईआर संख्या 123/17 दिनांक 18.07.2017 (पुलिस थाना अशोक नगर, जिला जयपुर में दर्ज पूर्व एफआईआर संख्या 238/2017 पुलिस थाना जसवंतगढ़, जिला नागौर, राजस्थान में स्थानांतरित); जिसके लिए पुलिस थाना जसवंतगढ़, जिला नागौर, में एक अन्य एफआईआर संख्या 115/17 दिनांक 13.07.2017 दर्ज की गई है में अथवा उक्त मामलों में उसी संव्यवहार में किए गए अन्य अपराधों की जांच करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार संपूर्ण राजस्थान राज्य पर करती है।

[फा. सं. 228/34/2017-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 28th December, 2017

**S.O.115.**—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Rajasthan, Home (Gr.-V) Department issued vide Notification No. F.19 (33) Home-5/2017 Jaipur dated 24.07.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Rajasthan for the investigation of Case FIR No. 190/2017 dated 25.06.2017 Police Station Ratangarh, District Churu and Case FIR No. 123/17 dated 18.07.2017 Police Station Jaswantgarh, District Nagaur (earlier FIR No. 238/2017 registered in Police Station Ashok Nagar, District Jaipur transferred to Police Station Jaswantgarh, District Nagaur, Rajasthan) related to the incident that took place in Sanwrad on 12th July 2017, for which another FIR No. 115/17 dated 13.07.2017 Police Station Jaswantgarh, District Nagaur was lodged or any other offences committed in the course of the same transaction arising out of the said case.

[F.No. 228/34/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 25 जनवरी, 2018

**का.आ.116.**—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार के दिनांक 03.01.2017 की अधिसूचना संख्या-10/सी.बी.आई.-601/2017-23 द्वारा दी गई सहमति से एतद्वारा भारतीय दंड संहिता 1860 (1860 की

अधिनियम सं. 45) की धारा 448/302/201/328/376/511/34 के अंतर्गत अपराध करने, आपराधिक अनधिकृत प्रवेश करने, ज़हर द्वारा घायल करने, बलात्कार की चेष्टा करने, हत्या और सबूतों को मिटाने तथा उपरोक्त अपराधों के संबंध में तथा उक्त संव्यवहार में किए गए किन्हीं अन्य अपराधों के लिए दिनांक 16.12.2016 को सदर थाना (रांची) में पंजीकृत पी.एस. सं. 534/16 अपराधों के अन्वेषण के लिए, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्ति और अधिकार क्षेत्र का विस्तार संपूर्ण झारखंड राज्य पर करती है।

[फा.सं. 228/11/2017-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 25th January, 2018

**S.O.116.**—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No.25 of 1946), the Central Government with the consent of State Government of Jharkhand, issued vide Notification No.10/C.B.I.-601/2017-23 dated 03.01.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Jharkhand for investigation in the Sadar Thana (Ranchi) P.S.No.534/16 dated 16.12.2016 registered for committing offences u/s 448/302/201/328/376/511/34 of the Indian Penal Code, 1860(Act No.45 of 1860), the criminal trespass, hurt by means of poison, attempt to commit rape, murder and disappearance of evidence in connection with the said offences and any other offences in the aforesaid transaction.

[F.No. 228/11/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

### विदेश मंत्रालय

( सी.पी.वी. प्रभाग )

नई दिल्ली, 11 जनवरी, 2018

**का.आ.117.**—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा केंद्र सरकार भारत के दूतावास, टोक्यो, में श्री लाल थीआंगलीमा, सहायक अनुभाग अधिकारी को दिनांक 11 जनवरी, 2018 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है ।

[सं. टी-4330/02/2018]

प्रकाश चन्द, निदेशक (कौंसुलर)

### MINISTRY OF EXTERNAL AFFAIRS

(C. P. V. DIVISION)

New Delhi, the 11th January, 2018

**S.O.117.**—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Lal Thianghlima, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Tokyo to perform the Consular services with effect from 11th January, 2018.

[No. T-4330/02/2018]

PRAKASH CHAND, Director (Consular)

**स्वास्थ्य और परिवार कल्याण मंत्रालय**

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 21 नवम्बर, 2017

**का.आ.118**.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात्:—

उक्त प्रथम अनुसूची में

(I) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [जिसे इसके आगे कालम (2) कहा गया है] "सी.एस.जे.एम. विश्वविद्यालय, कानपुर" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तकरण' [जिसे इसके आगे कालम (3) कहा गया है] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:—

(2)

(3)

"डॉक्टर ऑफ मेडिसिन (ट्युबरक्युलोसिस एंड रेस्पिरटरी डिसेसिज़)"

एमडी (ट्युबरक्युलोसिस एंड रेस्पिरटरी डिसेसिज़)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह यू.पी.रूरल इंस्टीट्यूट ऑफ मेडिकल साइंसिज एंड रिसर्च, इटावा में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, सी.एस.जे.एम. विश्वविद्यालय, कानपुर द्वारा प्रदत्त होगी।)

"मास्टर ऑफ सर्जरी(ओटोरहिनलैरिंगॉलोजी)"

एमएस(ईएनटी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह रूरल इंस्टीट्यूट ऑफ मेडिकल साइंसिज एंड रिसर्च, इटावा में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, सी.एस.जे.एम. विश्वविद्यालय, कानपुर द्वारा प्रदत्त होगी।)

"डॉक्टर ऑफ मेडिसिन(फार्माकोलॉजी)"

एमडी (फार्माकोलॉजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह यू.पी.रूरल इंस्टीट्यूट ऑफ मेडिकल साइंसिज एंड रिसर्च, इटावा में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, सी.एस.जे.एम. विश्वविद्यालय, कानपुर द्वारा प्रदत्त होगी।)

"डॉक्टर ऑफ मेडिसिन(माइक्रोबायोलॉजी)"

एमडी (माइक्रोबायोलॉजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह यू.पी.रूरल इंस्टीट्यूट ऑफ मेडिकल साइंसिज एंड रिसर्च, इटावा में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, सी.एस.जे.एम. विश्वविद्यालय, कानपुर द्वारा प्रदत्त होगी।)

II) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [जिसे इसके आगे कालम (2) कहा गया है] "मध्य प्रदेश मेडिकल साइंसिज विश्वविद्यालय, जबलपुर" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तकरण' [जिसे इसके आगे कालम (3) कहा गया है] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)

(3)

"डॉक्टर ऑफ मेडिसिन(रेडियो डायग्नोसिस/ रेडियोलॉजी)"

एमडी (रेडियो डायग्नोसिस/ रेडियोलॉजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में

	मध्य प्रदेश मेडिकल साइंसिस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन (जनरल मेडिसिन)”	एमडी (जनरल मेडिसिन)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में मध्य प्रदेश मेडिकल साइंसिस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)
“मास्टर ऑफ सर्जरी(ऑर्थोपीडिक्स)”	एमएस(ऑर्थोपीडिक्स)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, मध्य प्रदेश मेडिकल साइंसिस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन(पेडियॉट्रिक्स)”	एमडी(पेडियॉट्रिक्स)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, मध्य प्रदेश मेडिकल साइंसिस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन/मास्टर ऑफ सर्जरी (ऑफ्थॉलमॉलोजी)”	एमडी/एमएस(ऑफ्थॉलमॉलोजी)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, मध्य प्रदेश मेडिकल साइंसिस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)
“ मास्टर ऑफ सर्जरी(ओटोरहिनलैरिंगॉलोजी)”	एमएस(ईएनटी)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, मध्य प्रदेश मेडिकल साइंसिस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन/मास्टर ऑफ सर्जरी (ऑब्स्ट्रेटिक्स एंड गायनेकॉलोजी)”	एमडी/एमएस (ओ. बी.जी)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, मध्य प्रदेश मेडिकल साइंसिस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन(एनिस्थीसियालोजी)”	एमडी(एनिस्थीसियालोजी)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, मध्य प्रदेश मेडिकल साइंसिस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन(ट्युबरक्युलोसिस एंड रेस्पिरेटरी डिजीसिज़/पल्मोनरी मेडिसिन)”	एमडी(ट्युबरक्युलोसिस एंड रेस्पिरेटरी डिजीसिज़/पल्मोनरी मेडिसिन)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंडैक्स मेडिकल कॉलेज अस्पताल एंड रिसर्च सेन्टर, इंदौर में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, मध्य प्रदेश मेडिकल साइंस विश्वविद्यालय, जबलपुर द्वारा प्रदत्त होगी।)

III) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [जिसे इसके आगे कालम (2) कहा गया है] "एच.एन.बी. गढ़वाल विश्वविद्यालय, उत्तराखंड" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [जिसे इसके आगे कालम (3) कहा गया है] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

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"मास्टर ऑफ सर्जरी(ओटोरिन्होलेरिंगोलोजी)"

एमएस(ईएनटी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह श्री गुरु राम राय इंस्टीट्यूट ऑफ मेडिकल एंड हेल्थ साइंसिस, देहरादून में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, एच.एन.बी. गढ़वाल विश्वविद्यालय, उत्तराखंड द्वारा प्रदत्त होगी।)

"डॉक्टर ऑफ मेडिसिन(रेडियो डायग्नोसिस)"

एमडी(रेडियो डायग्नोसिस)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह श्री गुरु राम राय इंस्टीट्यूट ऑफ मेडिकल एंड हेल्थ साइंसिस, देहरादून में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2016 को या बाद में, एच.एन.बी. गढ़वाल विश्वविद्यालय, उत्तराखंड द्वारा प्रदत्त होगी।)

IV) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] "डॉ.एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

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"मास्टर ऑफ सर्जरी(ऑफ्थालमालोजी)"

एमएस(ऑफ्थालमालोजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह भास्कर मेडिकल कॉलेज, येनकापल्ली में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, डॉ.एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा द्वारा प्रदत्त होगी।)

V) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] "राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलुरु" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

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"डॉक्टर ऑफ मेडिसिन(फार्माकालोजी)"

एमडी(फार्माकालोजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह हसन इंस्टीट्यूट मेडिकल साइंसिस, हसन में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलुरु द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन(माइक्रोबायोलोजी)”	एमडी(माइक्रोबायोलोजी)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह हसन इंस्टीट्यूट मेडिकल साइंसिस, हसन में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलुरु द्वारा प्रदत्त होगी।)
डिप्लोमा इन ट्युबरक्युलोसिस एंड चेस्ट डीसीसीज़	डीटीडीसी  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह ए.जे. इंस्टीट्यूट ऑफ मेडिकल साइंसिस, मंगलूर में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलुरु द्वारा प्रदत्त होगी।)
“मजिस्ट्रार चिरुर्गी(यूरोलोजी)”	एमसीएच (यूरोलोजी)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह ए.जे. इंस्टीट्यूट ऑफ मेडिकल साइंसिस, मंगलूर में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलुरु द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन(बायो केमिस्ट्री)”	एमडी(बायो केमिस्ट्री)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह बीदर इंस्टीट्यूट मेडिकल साइंसिस, बीदर में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलुरु द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन(कम्युनिटी मेडिसिन)”	एमडी(कम्युनिटी मेडिसिन)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह रायचूर इंस्टीट्यूट मेडिकल साइंसिस, रायचूर में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2014 को या बाद में, राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलुरु द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन(सोशल एंड प्रिवेंटिव मेडिसिन/कम्युनिटी मेडिसिन)”	एमडी(सोशल एंड प्रिवेंटिव मेडिसिन/कम्युनिटी मेडिसिन)  (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह हसन इंस्टीट्यूट मेडिकल साइंसिस, हसन में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बेंगलुरु द्वारा प्रदत्त होगी।)

VI) ‘मान्यता प्राप्त आयुर्विज्ञान अर्हता’ शीर्षक के अधीन [जिसे इसके आगे कालम (2) कहा गया है] “जेएसएस विश्वविद्यालय, मैसूर” के सामने अंतिम प्रविष्टि के पश्चात और ‘पंजीकरण के लिए संक्षिप्तकरण’ [जिसे इसके आगे कालम (3) कहा गया है] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

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“डॉक्टर ऑफ मेडिसिन (अस्पताल प्रशासन)”

एमडी (अस्पताल प्रशासन)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब जेएसएस मेडिकल कॉलेज, मैसूर में प्रशिक्षित किए जा रहे छात्रों के संबंध में 2017 को या बाद में, जेएसएस विश्वविद्यालय, मैसूर द्वारा प्रदत्त होगी।)

VII) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता 'शीर्षक के अधीन [ जिसे इसके आगे कालम(2) कहा गया है ] "किंग जार्ज मेडिकल विश्वविद्यालय(डीम्ड विश्वविद्यालय) लखनऊ" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

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"डॉक्टर ऑफ मेडिसिन(रूमोटॉलोजी)"

एमडी(रूमोटॉलोजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह किंग जार्ज मेडिकल मेडिकल कॉलेज, लखनऊ में प्रशिक्षित किए गए छात्रों के संबंध में 2015 को या बाद में, किंग जार्ज मेडिकल विश्वविद्यालय लखनऊ द्वारा प्रदत्त होगी।)

VIII) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता 'शीर्षक के अधीन [जिसे इसके आगे कालम (2) कहा गया है ] "दि तमिलनाडु डॉ.एम.जी.आर. मेडिकल कॉलेज, विश्वविद्यालय, चेन्नई" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)

(3)

"डॉक्टर ऑफ मेडिसिन (एनिस्थीसिया)"

एमडी(एनिस्थीसिया)"

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह कोयंबतूर मेडिकल कॉलेज, कोयंबतूर में प्रशिक्षित किए गए छात्रों के संबंध में 2016 को या बाद में, दि तमिलनाडु डॉ.एम.जी.आर. मेडिकल कॉलेज, विश्वविद्यालय, चेन्नई द्वारा प्रदत्त होगी।)

"डॉक्टर ऑफ मेडिसिन (रेडियो डायग्नोसिस)"

एमडी(रेडियो डायग्नोसिस)"

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह किलपौक मेडिकल कॉलेज, चेन्नई में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, दि तमिलनाडु डॉ.एम.जी.आर. मेडिकल कॉलेज, विश्वविद्यालय, चेन्नई द्वारा प्रदत्त होगी।)

"मास्टर ऑफ सर्जरी(ऑफ्थालमोलोजी)"

एमएस(ऑफ्थालमोलोजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह श्री मुकाम्बिका इंस्टीट्यूट ऑफ मेडिकल साइंसिस, कन्याकुमारी में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, दि तमिलनाडु डॉ.एम.जी.आर. मेडिकल कॉलेज, विश्वविद्यालय, चेन्नई द्वारा प्रदत्त होगी।)

"डॉक्टर ऑफ मेडिसिन (फिजियॉलोजी)"

एमडी(फिजियॉलोजी)"

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह कर्पागा विनाया इंस्टीट्यूट ऑफ मेडिकल साइंसिस, मधुरंतगम में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, दि तमिलनाडु डॉ.एम.जी.आर. मेडिकल कॉलेज, विश्वविद्यालय, चेन्नई द्वारा प्रदत्त होगी।)



IX) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] "महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)	(3)
"मास्टर ऑफ सर्जरी(जनरल सर्जरी)"	<p>एमएस(जनरल सर्जरी)</p> <p>(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह महाराष्ट्र इंस्टीट्यूट ऑफ मेडिकल एज्युकेशन एंड रिसर्च, पुणे में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा प्रदत्त होगी।)</p>
"मास्टर ऑफ सर्जरी(ऑर्थोपीडिक्स)"	<p>एमएस(ऑर्थोपीडिक्स)</p> <p>(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह महाराष्ट्र इंस्टीट्यूट ऑफ मेडिकल एज्युकेशन एंड रिसर्च, पुणे में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा प्रदत्त होगी।)</p>

X) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] "राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)	(3)
"डॉक्टर ऑफ मेडिसिन(फॉरेंसिक मेडिसिन)"	<p>एमडी(फॉरेंसिक मेडिसिन)</p> <p>(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल नेहरू मेडिकल कॉलेज, अजमेर में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर द्वारा प्रदत्त होगी।)</p>
"डॉक्टर ऑफ मेडिसिन(बायोकेमिस्ट्री)"	<p>एमडी(बायोकेमिस्ट्री)</p> <p>(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह झालावाड़ मेडिकल कॉलेज, झालावाड़ में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर द्वारा प्रदत्त होगी।)</p>
"मास्टर ऑफ सर्जरी(अनॉटमी)"	<p>एमएस(अनॉटमी)</p> <p>(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह झालावाड़ मेडिकल कॉलेज, झालावाड़ में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, राजस्थान स्वास्थ्य विज्ञान विश्वविद्यालय, जयपुर द्वारा प्रदत्त होगी।)</p>

XI) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] "सांविधिक स्वायत्त" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के

संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)	(3)
“डॉक्टर ऑफ मेडिसिन(पेडियाट्रिक हैपेटोलोजी)”	डीएम (पेडियाट्रिक हैपेटोलोजी) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंस्टीट्यूट ऑफ लिवर एंड बिलिएरी साइंसिस, नई दिल्ली में प्रशिक्षित किए गए छात्रों के संबंध में 2016 को या बाद में, सांविधिक स्वायत्त द्वारा प्रदत्त होगी।)

XII) ‘मान्यता प्राप्त आयुर्विज्ञान अर्हता’ शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] “सविता विश्वविद्यालय(डीम्ड), चेन्नई” के सामने अंतिम प्रविष्टि के पश्चात और ‘पंजीकरण के लिए संक्षिप्तिकरण’ [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)	(3)
“डॉक्टर ऑफ मेडिसिन(जनरल मेडिसिन)”	एमडी (जनरल मेडिसिन) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह सविता मेडिकल कॉलेज एंड अस्पताल, कांचीपुरम, तमिलनाडु में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, सविता विश्वविद्यालय(डीम्ड), चेन्नई द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन(माइक्रोबायलोजी)”	एमडी (माइक्रोबायलोजी) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह सविता मेडिकल कॉलेज एंड अस्पताल, कांचीपुरम, तमिलनाडु में प्रशिक्षित किए गए छात्रों के संबंध में 2017 को या बाद में, सविता विश्वविद्यालय(डीम्ड), चेन्नई द्वारा प्रदत्त होगी।)

XIII) ‘मान्यता प्राप्त आयुर्विज्ञान अर्हता’ शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] “आर्य भट्ट नॉलेज विश्वविद्यालय, पटना” के सामने अंतिम प्रविष्टि के पश्चात और ‘पंजीकरण के लिए संक्षिप्तिकरण’ [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)	(3)
“डॉक्टर ऑफ मेडिसिन(पेडियाट्रिक्स)”	एमडी(पेडियाट्रिक्स) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह नालंदा मेडिकल कॉलेज, पटना में प्रशिक्षित किए गए छात्रों के संबंध में 2013 को या बाद में, आर्य भट्ट नॉलेज विश्वविद्यालय, पटना द्वारा प्रदत्त होगी।)
“डॉक्टर ऑफ मेडिसिन(जनरल मेडिसिन)”	एमडी(जनरल मेडिसिन) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह नालंदा मेडिकल कॉलेज, पटना में प्रशिक्षित किए गए छात्रों के संबंध में 2015 को या बाद में, आर्य भट्ट नॉलेज विश्वविद्यालय, पटना द्वारा प्रदत्त होगी।)

XIV) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] "चेट्टिनाद अकादमी ऑफ रिसर्च एंड एज्युकेशन (डीम्ड) विश्वविद्यालय" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [जिसे इसके आगे कालम (3) कहा गया है] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:—

(2)

(3)

"डॉक्टर ऑफ मेडिसिन (पेडियाट्रिक्स)"

एमडी(पेडियाट्रिक्स)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह चेट्टिनाद अस्पताल एंड रिसर्च इंस्टीट्यूट, कांचीपुरम में प्रशिक्षित किए गए छात्रों के संबंध में 2016 को या बाद में, चेट्टिनाद अकादमी ऑफ रिसर्च एंड एज्युकेशन (डीम्ड) विश्वविद्यालय द्वारा प्रदत्त होगी।)

"डॉक्टर ऑफ मेडिसिन (न्योनेटॉलोजी)"

डीएम (न्योनेटॉलोजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह चेट्टिनाद अस्पताल एंड रिसर्च इंस्टीट्यूट, कांचीपुरम में प्रशिक्षित किए गए छात्रों के संबंध में 2016 को या बाद में, चेट्टिनाद अकादमी ऑफ रिसर्च एंड एज्युकेशन (डीम्ड) विश्वविद्यालय द्वारा प्रदत्त होगी।)

XV ) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] "बनारस हिन्दू विश्वविद्यालय" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)

(3)

"डॉक्टर ऑफ मेडिसिन (कार्डियॉलोजी)"

डीएम (कार्डियॉलोजी)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह इंस्टीट्यूट ऑफ मेडिकल साइंसिस, बीएचयू, वाराणसी में प्रशिक्षित किए गए छात्रों के संबंध में 2015 को या बाद में, बनारस हिन्दू विश्वविद्यालय द्वारा प्रदत्त होगी।)

XVI) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [जिसे इसके आगे कालम (2) कहा गया है] "शारदा विश्वविद्यालय, ग्रेटर नोएडा" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [जिसे इसके आगे कालम (3) कहा गया है] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)

(3)

"डॉक्टर ऑफ मेडिसिन (सोशल एंड प्रिवेंटिव मेडिसिन/कम्युनिटी मेडिसिन)"

एमडी (सोशल एंड प्रिवेंटिव मेडिसिन/कम्युनिटी मेडिसिन)

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह स्कूल ऑफ मेडिकल साइंसिस एंड रिसर्च ग्रेटर नोएडा में प्रशिक्षित किए गए छात्रों के संबंध में 2016 को या बाद में, शारदा विश्वविद्यालय, ग्रेटर नोएडा द्वारा प्रदत्त होगी।)

XVII) 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [ जिसे इसके आगे कालम (2) कहा गया है ] "डॉ.बी.आर.अंबेडकर, विश्वविद्यालय, आगरा, उत्तर प्रदेश" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तकरण' [ जिसे इसके आगे कालम (3) कहा गया है ] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:—

(2)	(3)
“डॉक्टर ऑफ मेडिसिन (बायोकेमिस्ट्री)”	एमडी (बायोकेमिस्ट्री) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह रामा मेडिकल कॉलेज और अस्पताल, कानपुर, उत्तर प्रदेश में प्रशिक्षित किए गए छात्रों के संबंध में 2016 को या बाद में, डॉ.बी.आर.अंबेडकर, विश्वविद्यालय आगरा, उत्तर प्रदेश द्वारा प्रदत्त होगी।)
	[फा. सं. यू-12012/01/2017-एमई-1(पार्ट-4)एफटीएस.3129861]
	डी. वी. के. राव, अवर सचिव

## MINISTRY OF HEALTH AND FAMILY WELFARE

### (Department of Health and Family Welfare)

New Delhi, the 21st November, 2017

**S.O.118.**—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said Schedule :—

I) against “C.S.J.M. University, Kanpur”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Doctor of Medicine (Tuberculosis & Respiratory Medicine)”	MD (TB & Respiratory Medicine)  (This shall be a recognized medical qualification when granted by C.S.J.M. University, Kanpur. in respect of students being trained at U.P. Rural Institute of Medical Sciences & Research, Etawah on or after 2017).
“Master of Surgery (Otorhinolaryngology)”	MS (ENT)  (This shall be a recognized medical qualification when granted by C.S.J.M. University, Kanpur. in respect of students being trained at U.P. Rural Institute of Medical Sciences & Research, Etawah on or after 2017).
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology)  (This shall be a recognized medical qualification when granted by C.S.J.M. University, Kanpur, in respect of students being trained at U.P. Rural Institute of Medical Sciences & Research, Etawah on or after 2017).
“Doctor of Medicine (Microbiology)”	MD (Microbiology)  (This shall be a recognized medical qualification when granted by C.S.J.M. University, Kanpur. in respect of

students being trained at U.P. Rural Institute of Medical Sciences & Research, Etawah on or after 2017).

II) against “Madhya Pradesh Medical Science University, Jabalpur”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Doctor of Medicine (Radio Diagnosis/ Radiology)”	<p>MD (Radio-diagnosis/ Radiology)</p> <p>(This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital &amp; Research Centre, Indore on or after 2017).</p>
“Doctor of Medicine (General Medicine)”	<p>MD (General Medicine)</p> <p>(This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital &amp; Research Centre, Indore on or after 2017).</p>
“Master of Surgery (Orthopedics)”	<p>MS (Orthopedics)</p> <p>(This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital &amp; Research Centre, Indore on or after 2017).</p>
“Doctor of Medicine (Pediatrics)”	<p>MD (Pediatrics)</p> <p>(This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital &amp; Research Centre, Indore on or after 2017).</p>
“Doctor of Medicine/Master of Surgery (Ophthalmology)”	<p>MD/MS (Ophthalmology)</p> <p>(This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital &amp; Research Centre, Indore on or after 2017).</p>
“Master of Surgery (Otorhinolaryngology)”	<p>MS (ENT)</p> <p>(This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital &amp; Research Centre, Indore on or after 2017).</p>
“Doctor of Medicine/ Master of Surgery (Obstetrics & Gynecology)”	<p>MD/MS (OBG)</p> <p>(This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital &amp; Research Centre, Indore on or after 2017).</p>

“Doctor of Medicine (Anaesthesiology)”	MD (Anaesthesiology)  (This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital & Research Centre, Indore on or after 2017).
“Doctor of Medicine (Tuberculosis & Respiratory Diseases/ Pulmonary Medicine)”	MD (Tuberculosis & Respiratory Diseases/ Pulmonary Medicine)  (This shall be a recognized medical qualification when granted by Madhya Pradesh Medical Science University, Jabalpur in respect of students being trained at Index Medical College Hospital & Research Centre, Indore on or after 2017).

III) against “H.N.B. Garhwal University, Uttarakhand”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Master of Surgery (Otorhinolaryngology)”	MS (ENT)  (This shall be a recognized medical qualification when granted by H.N.B. Garhwal University, Uttarakhand in respect of students being trained at Shri Guru Ram Rai Institute of Medical & Health Sciences, Dehradun on or after 2017).
“Doctor of Medicine (Radio Diagnosis)”	MD (Radio Diagnosis)  (This shall be a recognized medical qualification when granted by H.N.B. Garhwal University, Uttarakhand in respect of students being trained at Shri Guru Ram Rai Institute of Medical & Health Sciences, Dehradun on or after 2016).

IV) against “Dr. NTR University of Health Sciences, Vijawada, Andhra Pradesh”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Master of Surgery (Ophthalmology)”	MS (Ophthalmology)  (This shall be a recognized medical qualification when granted by Dr. NTR University of Health Sciences, Vijawada, Andhra Pradesh in respect of students being trained at Bhaskar Medical College, Yenkapally on or after 2017).

V) against “Rajiv Gandhi University of Health Sciences, Bangalore”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:—

(2)	(3)
“Doctor of Medicine (Pharmacology)”	MD(Pharmacology)  (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences,

	Bangalore in respect of students being trained at Hassan Institute of Medical Sciences, Hassan on or after 2017).
“Doctor of Medicine (Microbiology)”	MD (Microbiology)  (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Hassan Institute of Medical Sciences, Hassan on or after 2017).
“Diploma in Tuberculosis & Chest Diseases”	DTCD  (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at A.J. Institute of Medical Sciences, Mangalore on or after 2017).
“Magistrar Chirurgiae (Urology)”	M.Ch. (Urology)  (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at A.J. Institute of Medical Sciences, Mangalore on or after 2017).
“Doctor of Medicine (Bio Chemistry)”	MD (Bio Chemistry)  (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Bidar Institute of Medical Sciences, Bidar on or after 2017).
“Doctor of Medicine (Community Medicine)”	MD (Community Medicine)  (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Raichur Institute of Medical Sciences, Raichur on or after 2014).
“Doctor of Medicine (Social & Preventive Medicine/ Community Medicine)”	MD (Social & Preventive Medicine/ Community Medicine)  (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Hassan Institute of Medical Sciences, Hassan on or after 2017).
VI) against “JSS University, Mysore”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-	
(2)	(3)
“Doctor of Medicine (Hospital Administration)”	MD (Hospital Administration)  (This shall be a recognized medical qualification when granted by JSS University, Mysore in respect of students being trained at JSS Medical College, Mysore on or after 2017).

VII) against “King George’s Medical University (Deemed University), Lucknow”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Rheumatology)”	DM (Rheumatology)  (This shall be a recognized medical qualification when granted by King George’s Medical University (Deemed University), Lucknow University in respect of students being trained at King George Medical College, Lucknow on or after 2015).

VIII) against “The Tamil Nadu Dr. M.G.R. Medical College University, Chennai”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Anaesthesia)”	MD (Anaesthesia)  (This shall be a recognized medical qualification when granted by The Tamil Nadu Dr. M.G.R. Medical College University, Chennai in respect of students being trained at Coimbatore Medical College, Coimbatore on or after 2016).
“Doctor of Medicine (Radio Diagnosis)”	MD (Radio Diagnosis)  (This shall be a recognized medical qualification when granted by The Tamil Nadu Dr. M.G.R. Medical College University, Chennai in respect of students being trained at Kilpauk Medical College, Chennai on or after 2017).
“Master of Surgery (Ophthalmology)”	MS (Ophthalmology)  (This shall be a recognized medical qualification when granted by The Tamil Nadu Dr. M.G.R. Medical College University, Chennai in respect of students being trained at Sree Mookambika Institute of Medical Sciences, Kanyakumari on or after 2017).
“Doctor of Medicine (Physiology)”	MD (Physiology)  (This shall be a recognized medical qualification when granted by The Tamil Nadu Dr. M.G.R. Medical College University, Chennai in respect of students being trained at Karpaga Vinaya Institute of Medical Sciences, Maduranthagam on or after 2017).

IX) against “Maharashtra University of Health Sciences, Nashik”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Master of Surgery (General Surgery)”	MS (General Surgery)  (This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at



	Maharashtra Institute of Medical Education & Research, Pune on or after 2017).
“Master of Surgery (Orthopedics)”	MS (Orthopedics)
	(This shall be a recognized medical qualification when granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Maharashtra Institute of Medical Education & Research, Pune on or after 2017).

X) against “Rajasthan University of Health Sciences, Jaipur”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Forensic Medicine)”	MD (Forensic Medicine)
	(This shall be a recognized medical qualification when granted by Rajasthan University of Health Sciences, Jaipur in respect of students being trained at Jawaharlal Nehru Medical College, Ajmer on or after 2017).
“Doctor of Medicine (Biochemistry)”	MD (Biochemistry)
	(This shall be a recognized medical qualification when granted by Rajasthan University of Health Sciences, Jaipur in respect of students being trained at Jhalawar Medical College, Jhalawar on or after 2017).
“Master of Surgery (Anatomy)”	MS (Anatomy)
	(This shall be a recognized medical qualification when granted by Rajasthan University of Health Sciences, Jaipur in respect of students being trained at Jhalawar Medical College, Jhalawar on or after 2017).

XI) against “Statutory Autonomous”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Pediatric Hepatology)”	DM (Pediatric Hepatology)
	(This shall be a recognized medical qualification when granted by Statutory Autonomous in respect of students being trained at Institute of Liver and Biliary Sciences, New Delhi on or after 2016).

XII) against “Saveetha University (Deemed), Chennai”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (General Medicine)”	MD (General Medicine)
	(This shall be a recognized medical qualification when granted by Saveetha University (Deemed), Chennai in respect of students being trained at Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu on or after 2017).
“Doctor of Medicine (Microbiology)”	MD (Microbiology)
	(This shall be a recognized medical qualification when granted by Saveetha University (Deemed), Chennai in

respect of students being trained at Saveetha Medical College and Hospital, Kanchipuram, Tamilnadu on or after 2017).

XIII) against “Arya bhatta Knowledge University, Patna”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Pediatrics)”	MD (Pediatrics)  (This shall be a recognized medical qualification when granted by Arya bhatta Knowledge University, Patna in respect of students being trained at Nalanda Medical College, Patna on or after 2013).
“Doctor of Medicine (General Medicine)”	MD (General Medicine)  (This shall be a recognized medical qualification when granted by Arya bhatta Knowledge University, Patna in respect of students being trained at Nalanda Medical College, Patna on or after 2015).

XIV) against “Chettinad Academy of Research & Education (Deemed University)”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Pediatrics)”	MD (Pediatrics)  (This shall be a recognized medical qualification when granted by Chettinad Academy of Research & Education (Deemed University in respect of students being trained at Chettinad Hospital & Research Institute, Kanchipuram on or after 2016).
“Doctor of Medicine (Neonatology)”	DM (Neonatology)  (This shall be a recognized medical qualification when granted by Chettinad Academy of Research & Education (Deemed University in respect of students being trained at Chettinad Hospital & Research Institute, Kanchipuram on or after 2016).

XV) against “Banaras Hindu University”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Cardiology)”	DM (Cardiology)  (This shall be a recognized medical qualification when granted by Banaras Hindu University in respect of students being trained at Institute of Medical Sciences, BHU, Varanasi on or after 2015).

XVI) against “Sharda University, Greater Noida”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Social & Preventive Medicine/ Community Medicine)”	MD (Social & Preventive Medicine/Community Medicine  (This shall be a recognized medical qualification when granted by Sharda University, Greater Noida in respect of students being trained at School of Medical Sciences & Research, Greater Noida on or after 2016).

XVII) against “Dr. B.R. Ambedkar University, Agra, U.P.”, under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2) ], after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
“Doctor of Medicine (Biochemistry)”	MD (Biochemistry)  (This shall be a recognized medical qualification when granted by Dr. B.R. Ambedkar University, Agra, U.P. in respect of students being trained at Rama Medical College & Hospital, Kanpur, UP on or after 2016).

[F. No. U.12012/01/2017-ME-I(P-4)]/FTS No.3129861]

D. V. K. RAO, Under Secy.

### उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

( खाद्य और सार्वजनिक वितरण विभाग )

नई दिल्ली, 18 जनवरी, 2018

**का.आ.119.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजपत्र में अधिसूचित करती है :-

1. केन्द्रीय भंडारण निगम,  
क्षेत्रीय कार्यालय,  
कोच्चि-682020

[सं. ई-11011/1/2008-हिंदी]

कमल दत्ता, संयुक्त सचिव

**MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION****(Department of Food and Public Distribution)**

New Delhi, the 18th January, 2018

**S.O.119.**—In pursuance of Sub-rule (4) of rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office under the administrative control of the Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution), whereof more than 80% of staff have acquired the working knowledge of Hindi :

1. Central Warehousing Corporation,  
Regional Office,  
Kochi-682020

[No. E-11011/1/2008- Hindi]

KAMAL DATTA, Jt. Secy.

**सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय**

नई दिल्ली, 19 जनवरी, 2018

**का.आ.120.**—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उप नियम (4) के अनुसरण में, सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय के अधीन क्षेत्र संकार्य प्रभाग, राष्ट्रीय प्रतिदर्श सर्वेक्षण कार्यालय के क्षेत्रीय कार्यालय, विजयवाड़ा (आंध्र प्रदेश) को, जिसके 80 प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, भारत के राजपत्र में अधिसूचित करती है।

[सं. ई-11013/6/2016-हिंदी]

अरुण कुमार यादव, संयुक्त सचिव

**MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION**

New Delhi, the 19th January, 2018

**S.O.120.**—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 (as amended - 1987), the Central Government hereby notify the Regional Office, Vijaywada (Andhra Pradesh) of Field Operation Division, NSSO under the Ministry of Statistics and Programme Implementation in the Gazette of India where 80 per cent of the staff have acquired the working knowledge of Hindi.

[No. E-11013/6/2016- Hindi]

ARUN KUMAR YADAV, Jt. Secy.

**श्रम एवं रोजगार मंत्रालय**

नई दिल्ली, 16 जनवरी, 2018

**का.आ.121.**—राष्ट्रपति, श्री प्रमोद कुमार चतुर्वेदी, पीठासीन अधिकारी, केन्द्र सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, अहमदाबाद को दिनांक 01.01.2018 से छः माह की अवधि तक अथवा नियमित आधार पर पद भरने तक अथवा अगले आदेशों तक, जो भी पहले हो, पीठासीन अधिकारी, केन्द्र सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जयपुर के पद का अतिरिक्त प्रभार सौंपते हैं।

[सं. ए-11016/03/2009-सीएलएस-II]

अजय मलिक, अवर सचिव

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 16th January, 2018

**S.O.121.**—The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jaipur to Shri Pramod Kumar Chaturvedi, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad for a period of six months with effect from 01.01.2018 or till the post is filled up, on regular basis or until further orders, whichever is the earliest.

[No. A-11016/03/2009-CLS-II]

AJAY MALIK, Under Secy.

नई दिल्ली, 18 जनवरी, 2018

**का.आ.122.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दी बैंक ऑफ राजस्थान लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 52/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.01.2018 को प्राप्त हुआ था।

[सं. एल-12012/174/2004-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 18th January, 2018

**S.O.122.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of The Bank of Rajasthan Limited and their workmen, received by the Central Government on 18.01.2018.

[No. L-12012/174/2004-IR (B-I)]

B. S. BISHT, Section Officer

**अनुबंध****केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर****सी.जी.आई.टी. प्रकरण सं. 52/2004**

भरत पाण्डेय

पीठासीन अधिकारी

रेफरेन्स नं. L-12012/174/2004-IR (B-1) दिनांक 25/08/2004

Shri Gopal Singh Sangkhal  
S/o Sh. Madan Singh Sangkhal,  
Behind Senapati Bhawan, Plot No. 11,  
High Court Colony, Jodhpur - (Rajasthan)

v/s

1. The Manager,  
The Bank of Rajasthan Limited,  
City Branch, Tambacoo Bazar,  
Distt. Jodhpur - (Rajasthan)

प्रार्थी की तरफ से : श्री योगेश शर्मा — एडवोकेट

अप्रार्थी की तरफ से : श्री आलौक फतेहपुरिया — एडवोकेट

## : पंचाट :

दिनांक : 24. 11. 2017

1. केन्द्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 10 उपधारा 1 खण्ड (घ) के अन्तर्गत दिनांक 25/08/2004 के आदेश से प्रेषित विवाद के आधार पर यह प्रकरण न्यायनिर्णयन हेतु संस्थित है। केन्द्रीय सरकार द्वारा प्रेषित विवाद निम्नवत् है :—

“क्या प्रबन्धन दी बैंक ऑफ राजस्थान लिमिटेड, सिटी शाखा, तम्बाकू बाजार, जोधपुर के द्वारा अपने कर्मकार श्री गोपाल सिंह सौखला पुत्र श्री मदन सिंह साखेला, चतुर्थ श्रेणी कर्मचारी को दिनांक 16.10.2001 से सेवा से बर्खास्त करना उचित एवं वैध है? यदि नहीं तो कर्मकार अपने नियोजक से क्या राहत पाने का अधिकारी है?”

2. स्टेटमेन्ट ऑफ क्लेम में दिये गये तथ्यों के अनुसार संक्षिप्ततः याची का कथन है कि विपक्ष ने अपनी शाखा में चतुर्थ श्रेणी कर्मचारी का कार्य सम्पादित करने के लिए प्रार्थी श्री गोपाल सिंह को दिनांक 9.6.99 को रु 1500/— प्रतिमाह के वेतन पर नियुक्त किया। प्रार्थी ने दिनांक 15.10.2001 तक निरन्तर कार्य किया। विपक्षी ने दिनांक 16.10.2001 को प्रार्थी को मौखिक आदेश से सेवा से पृथक कर दिया।

3. आगे प्रार्थी श्री गोपाल सिंह का कथन है कि जुलाई 99 से सितम्बर 99 तक की अवधि के पारिश्रमिक का भुगतान प्रार्थी की प्रार्थना पत्र पर उसे किया गया है जो कि बैंक के पास उपलब्ध है तथा स्टोरकीपर के यहां से जो सामान याची लाता था उसका उल्लेख भी स्टोरकीपर की डायरी में अंकित है। यह भी कहा है कि वह विजय अरोरा की फोटोकॉपी की दुकान से बैंक के अभिलेखों की फोटो कराकर लाता था जिससे सम्बन्धित सूचना बैंक के पास उपलब्ध है जिस पर प्रार्थी के हस्ताक्षर हैं एवं उक्त अभिलेखों से यह जाहिर होगा कि प्रार्थी तथा बैंक के बीच कर्मकार तथा नियोजक का सम्बन्ध है। प्रार्थी ने सेवा समाप्ति की तिथि के ठीक पूर्व 240 दिन से ज्यादा की अवधि तक कार्य किया है परन्तु प्रार्थी की सेवामुक्ति के पूर्व बैंक ने प्रार्थी को न नोटिस दी, न नोटिस के बदले वेतन दिया न ही कोई छंटनी मुआवजा का भुगतान किया। प्रार्थी से कनिष्क कर्मी को विपक्ष ने नियोजित रखा तथा प्रार्थी को सेवामुक्त कर दिया एवं कोई वरिष्ठता सूची सेवामुक्ति के पूर्व नहीं तैयार की। विपक्ष ने छंटनी की सूचना सम्बन्धित सरकार को नहीं दी तथा प्रार्थी को अवसर दिये बिना नयी नियुक्तियां की, इस प्रकार विपक्षी का कृत्य औद्योगिक विवाद अधिनियम 1947 की धारा 25 एफ, 25 जी एवं 25 एच तथा औद्योगिक विवाद (केन्द्रीय) नियमावली 77 व 78 का उल्लंघन है। अतः प्रार्थी ने याचिका प्रस्तुत कर प्रार्थना की है कि सेवामुक्ति का आदेश निरस्त कर समस्त विगत वेतन सहित उसे सेवा में पुनर्स्थापित करने का आदेश पारित किया जाय।

4. विपक्ष की तरफ से याचिका के प्रस्तरवार जवाब में प्रस्तर एक के कथन के सन्दर्भ में प्रार्थी के मामले में केन्द्र सरकार द्वारा विवाद को न्यायनिर्णयन हेतु भेजना स्वीकार किया गया है शेष कथन अस्वीकार है। प्रस्तर दो लगायत छः के कथन को अस्वीकार किया गया है, तत्पश्चात् यह कहा गया है कि प्रार्थी की विपक्षी बैंक द्वारा रु 1500/— माहवार पारिश्रमिक पर नियुक्ति नहीं की गयी है एवं शाखा प्रबन्धक को नियुक्ति का अधिकार नहीं है। यह भी कहा है कि प्रार्थी ने न तो बैंक के अधीन न ही बैंक के नियन्त्रण में कोई कार्य किया है। यह भी कहा है कि बैंक की उपस्थिति पंजिका में भी प्रार्थी के नाम का कोई उल्लेख नहीं है तथा बैंक में बैंक के कर्मचारियों का भुगतान चेक/पेआर्डर के जरिये किया जाता है जबकि प्रार्थी के मामले में ऐसा नहीं किया गया है।

5. यह भी कहा गया है कि माननीय मन्त्रालय द्वारा न्यायनिर्णयन हेतु प्रेषित मामला बर्खास्तगी का है जबकि प्रार्थी का क्लेम सेवा से डिस्चार्ज से सम्बन्धित है अतः सन्दर्भित रिफरेन्स से यह मामला निर्णित नहीं किया जा सकता है।

6. आगे कहा गया है कि प्रार्थी का कहना गलत है कि उसने 15.10.01 तक कार्य किया तथा 16.10.01 को सेवा से पृथक कर दिया गया क्योंकि प्रार्थी विपक्ष के नियोजन में कभी नहीं रहा। याची द्वारा प्रस्तुत प्रदर्श 2 स्टोर कीपर के डायरी को बैंक का दस्तावेज होने से विपक्ष ने इन्कार किया है और कहा है कि बैंक में ऐसे किसी रिकार्ड का रख-रखाव नहीं किया जाता है अतः इसे बैंक के विरुद्ध प्रयोग नहीं किया जा सकता है। फोटोकॉपी की कूपन पर प्रार्थी के हस्ताक्षर को भी विपक्षी ने सुसंगत दस्तावेज न होने की बात कही है एवं यह भी कहा है कि बैंक द्वारा विनय फोटोकॉपियर्स से फोटोकॉपियां करायी जाती थी जिसके कूपन बैंक रिकार्ड में उपलब्ध हैं जिन पर प्रार्थी के हस्ताक्षर नहीं हैं एवं विजय अरोरा फोटोकॉपियर्स के कूपन बैंक में नहीं हैं।

7. प्रार्थी की आवेदन पर जुलाई 99 से सितम्बर 99 की अवधि के लिए याची को बैंक द्वारा किसी प्रकार का भुगतान करने के तथ्य से भी इनकार किया गया है एवं कहा गया है कि इस अवधि में याची को कोई भुगतान नहीं हुआ। यह भी कहा गया है कि बैंक द्वारा केवल पे आर्डर के माध्यम से भुगतान किया जाता है और प्रार्थी को मात्र 280 रुपये के पे आर्डर दिनांकित 9.8.99 तथा 720/—रुपये के पेआर्डर दिनांकित 27.2.2000 द्वारा केवल दो भुगतान किया गया है एवं यह दोनों भुगतान टैंकर द्वारा पानी की आपूर्ति करने के सम्बन्ध में किये गये हैं।

8. यह भी कहा गया है कि प्रार्थी बैंक के नियोजन में नहीं था इसलिए उसके द्वारा 240 दिन से ज्यादा कार्य करने, नोटिस, नोटिस के बदले भुगतान अथवा छंटनी मुआवजा न देने तथा वरियता सूची न बनाने एवं कनिष्क कर्मी को सेवा में बनाये रखने या नये कर्मी को नियुक्त करने की बातें असंगत है एवं इससे सम्बन्धित प्राविधान प्रार्थी के मामले में लागू नहीं होते हैं क्योंकि प्रार्थी विपक्ष द्वारा कभी नियोजित नहीं किया गया। यह भी कहा है कि नियम 71 हडताल की नोटिस देने से सम्बन्धित हैं।

9. याची द्वारा याचिका के प्रस्तर पॉच में कहा गया है कि द्विपक्षीय एवार्ड के अनुसार याची सेवा में नियमित किये जाने का अधिकारी है। उसके विरुद्ध विपक्ष ने जवाब में कहा है कि प्रार्थी ने स्पष्ट नहीं किया है कि वह द्विपक्षीय एवार्ड कौन सा है। अतः इस सम्बन्ध में विपक्ष अपना जवाब का अधिकार सुरक्षित रखता है एवं याची को जब नियोजित नहीं किया गया तो उसे नियमित होने के अधिकार का प्रश्न नहीं उठता है। विपक्ष ने अन्ततः प्रार्थना की है कि याची की याचिका हर्जा सहित खारिज की जाय।

10. प्रारम्भिक आपत्ति में कहा है कि प्रार्थी विपक्षी के यहां कभी नियोजित नहीं रहा एवं प्रार्थी तथा विपक्ष के बीच कभी कर्मकार एवं नियोजक का सम्बन्ध नहीं रहा है। यह भी कहा गया है कि प्रार्थी द्वारा लगभग डेढ़ वर्ष तक विवाद न उठाया जाना यह सिद्ध करता है कि प्रार्थी द्वारा उठाया गया विवाद बदनियतपूर्ण है एवं प्रार्थी द्वारा अपनी याचिका के साथ संलग्न दस्तावेज फर्जी एवं बनावटी है।

11. जवाबुलजवाब में प्रार्थी ने याचिका में प्रस्तुत किये गये कथन की पुनरावृत्ति की है। यह भी कहा कि उसकी दैनिक हाजिरी नहीं बनती थी तथा केवल भुगतान के समय उसका हस्ताक्षर होता था। यह भी कहा है कि उसकी सेवामुक्ति के बाद मुकेश नाम के व्यक्ति को नियोजित किया गया।

12. उभयपक्ष के अभिकथनों के आधार पर तत्कालिन विद्वान पीठासीन अधिकारी ने विचारण हेतु निम्न वाद बिन्दु विचरित किये :-

- |   |      |
|---|------|
| I. Whether the workman was appointed as 4th Class on 9.6.99 by the non-applicant, who continuously worked up to 15.10.2001 and whose service was orally terminated on 16.10.2001 in violation of Section 25-F of the Act? | BOA  |
| II. Whether at the time of terminating the service of the workman, the junior employees to him were retained by the Bank in violation of Section 25-G of the Act?   | BOA  |
| III. Whether after the termination of the workman the new appointments were made by the management in violation of Section 25-H of the Act?   | BOA  |
| IV. Whether the claim is liable to be rejected on the ground of raising the dispute belatedly?  | BONA |
| V. Relief, if any.  |      |

13. प्रार्थी श्री गोपाल द्वारा याचिका के समर्थन में अपनी शपथ पत्र साक्ष्य में प्रस्तुत है जो दिनांक 3.6.05 को तस्दीक की गयी है। याची की प्रतिपरीक्षा विपक्ष द्वारा दिनांक 18.3.13 को की गयी है।

14. याची ने अभिलेखीय साक्ष्य के रूप में रिफरेन्स की फोटोप्रति प्रदर्श-1 तथा विजय अरोड़ा फोटोस्टेट कॉपियर्स की दुकान से फोटोस्टेट कराने से सम्बन्धित डायरी की फोटो प्रति प्रदर्श दो प्रस्तुत की है। प्रदर्श दो को विपक्ष ने फर्जी अभिलेख बताया है जिसे सत्य होने का तथ्य प्रार्थी पक्ष ने साबित नहीं किया है।

15. विपक्ष की तरफ से कोई प्रलेखीय साक्ष्य नहीं प्रस्तुत है। मौखिक साक्ष्य में श्री अशोक कुमार जैन, शाखा प्रबन्धक की शपथ-पत्र दिनांकित 4 जनवरी 16 दिनांक 1.3.16 को प्रस्तुत है। याची पक्ष द्वारा विपक्षी साक्षी की प्रतिपरीक्षा अवसर दिये जाने के बावजूद नहीं की गयी है। दिनांक 3.5.16 को गवाह उपस्थित रहा है परन्तु याची पक्ष ने अवसर चाहा है जिसे स्वीकार किया गया है और अगली तिथि दिनांक 20.7.16 नियत की गयी है। उसके बाद गवाह दिनांक 3.1.17 को उपस्थित रहा है परन्तु याची पक्ष अनुपस्थित रहा है जिससे साक्षी की प्रतिपरीक्षा नहीं हो सकी है। दिनांक 20.7.16 को तथा उसके बाद से सभी तिथियों 6.10.16, 1.12.16 तथा 3.1.17 को याची पक्ष निरन्तर अनुपस्थित रहा है जिसके कारण 3.1.17 को न्यायालय द्वारा विपक्षी साक्षी की याची पक्ष द्वारा प्रतिपरीक्षा का अवसर समाप्त किया गया है तथा पत्रावली एकपक्षीय बहस हेतु दिनांक 14.2.17 को नियत की गयी है। एकपक्षीय बहस हेतु 14.2.17, 19.4.17, 13.7.17, 16.8.17 तथा 18.9.17 तिथियां नियत की गयी है परन्तु इन तिथियों पर भी याची पक्ष उपस्थित नहीं आया है।

16. मैंने दिनांक 16.9.17 को विपक्ष के विद्वान प्रतिनिधि की बहस सुनी तथा पत्रावली का सम्यक अवलोकन किया।

### वाद —बिन्दु संख्या एक

17. यह वाद बिन्दु इस आशय का है कि क्या कर्मकार श्री गोपाल सिंह सांखला विपक्ष द्वारा दिनांक 9.6.99 को नियुक्त था? याची पक्ष के विद्वान प्रतिनिधि बहस के समय उपस्थित नहीं रहे हैं तथा उनके द्वारा अथवा याची द्वारा विपक्षी साक्षी की प्रतिपरीक्षा नहीं की गयी है। विपक्ष ने प्रार्थी को अपने यहां नियुक्ति दिये जाने से इन्कार किया है अतः इस तथ्य को सिद्ध करने का भार प्रार्थी पर है कि उसे विपक्ष ने चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त किया था। विपक्ष के विद्वान प्रतिनिधि ने अपनी बहस में विपक्ष द्वारा याचिका के विरुद्ध प्रस्तुत जवाब की पुनरावृत्ति की है।

18. याची ने अपने शपथ-पत्र में कहा है कि उसे विपक्ष ने चतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त किया था जबकि विपक्ष ने कहा है कि शाखा प्रबन्धक को नियुक्त करने का अधिकार नहीं है। याची ने अपनी याचिका में ही कहा है कि उसके लिए किसी उपस्थिति पंजिका का रख-रखाव विपक्ष द्वारा नहीं होता था न ही उसकी हाजिरी किसी पंजिका में होती थी। प्रतिपरीक्षा में प्रार्थी ने स्वीकार किया है कि उसने कोई नियुक्ति पत्र नहीं प्रस्तुत किया न ही 1500/- रूपया मासिक वेतन पर नियुक्ति के सम्बन्ध में उसने कोई अभिलेख या आदेश पत्रावली पर दाखिल किया है। यह भी स्वीकार किया है कि उसने अपने आवेदन पर नियोजन हेतु कोई आदेश भी नहीं प्रस्तुत किया है। यह भी स्वीकार किया है कि शपथ-पत्र के प्रस्तर एक में जिन कार्यों को करने का उसने उल्लेख किया है उसके सम्बन्ध में कोई प्रमाण पत्र प्रस्तुत नहीं किया है एवं 1500/- माहवार पारिश्रमिक पाने के सम्बन्ध में भी उसने कोई वाउचर प्रस्तुत नहीं किया है। यह भी स्वीकार किया है कि प्रदर्श- 2 डायरी, बैंक का अभिलेख नहीं है तथा इस पर बैंक के किसी अधिकारी के हस्ताक्षर नहीं हैं, यह बात सही है। प्रार्थी के साक्ष्य की उक्त स्थिति से स्पष्ट है कि प्रार्थी इस तथ्य को सिद्ध करने में सफल नहीं है कि चतुर्थ श्रेणी कर्मचारी के पद पर उसकी नियुक्ति विपक्ष ने दिनांक 9.6.99 को की।

19. जहाँ तक प्रार्थी के 15.10.2001 तक लगातार कार्य करने एवं धारा 25 एफ के प्राविधान के उल्लंघन में प्रार्थी की सेवायें विपक्ष द्वारा मौखिक आदेश से दिनांक 16.10.2001 को समाप्त किये जाने का प्रश्न है इस सन्दर्भ में उल्लेखनीय है कि प्रार्थी ने प्रतिपरीक्षा में कहा है कि नियुक्ति की कथित तिथि दिनांक 9.6.99 से 16.10.01 तक की अवधि में विपक्षी बैंक ने काम करने हेतु कोई निर्देश दिया हो उससे सम्बन्धित कोई आदेश प्रार्थी ने नहीं प्रस्तुत किया है। प्रार्थी ने विपक्षी के यहाँ नियुक्ति के तथ्य को सिद्ध नहीं किया है एवं कथित सेवा समाप्ति की तिथि से पूर्व की एक कलेण्डर वर्ष की अवधि में 240 दिन तक लगातार कार्य करने के तथ्य को भी सिद्ध नहीं किया है, अतः मैं इस निष्कर्ष पर हूँ कि याची इस तथ्य को भी सिद्ध करने में असफल है कि उसने कथित नियुक्ति की तिथि दिनांक 9.6.99 से 16.10.01 तक लगातार कार्य किया तथा उसकी सेवाएं 16.10.01 को धारा 25 एफ के प्राविधान के उल्लंघन में विपक्षी द्वारा मौखिक आदेश से समाप्त की गयी। वाद बिन्दु संख्या एक याची के विरुद्ध तदनुसार नकारात्मक रूप में निर्णित किया जाता है।

### वाद —बिन्दु संख्या दो

20. यह वाद बिन्दु इस आशय का है कि क्या सेवासमाप्ति की तिथि को विपक्ष ने प्रार्थी से कनिष्क कर्मचारियों को सेवा में रखा और प्रार्थी को सेवा से मुक्त कर दिया? उल्लेखनीय है कि याचिका में ऐसे कर्मचारियों के नाम का कोई उल्लेख नहीं है जो सेवा में निरन्तर कार्यरत रहे और प्रार्थी को विपक्ष ने सेवामुक्त कर दिया। विपक्षी के यहां प्रार्थी ने अपनी नियुक्ति भी नहीं सिद्ध किया है अतः प्रार्थी धारा 25 जी के उल्लंघन को सिद्ध नहीं कर सका है यह वाद बिन्दु याची के विरुद्ध तदनुसार नकारात्मक रूप में निर्णित किया जाता है।

### वाद —बिन्दु संख्या तीन

21. यह वाद बिन्दु इस आशय का है कि क्या प्रार्थी की सेवासमाप्ति के उपरान्त विपक्ष ने धारा 25 एच के प्राविधान के उल्लंघन में नयी नियुक्ति की तथा प्रार्थी को सेवा में पुनः आने का अवसर नहीं दिया। याचिका में प्रार्थी ने इस बात का उल्लेख नहीं किया है कि नये नियुक्त कर्मचारी का क्या नाम है परन्तु साक्ष्य में प्रस्तुत शपथ-पत्र तथा जवाबुलजवाब में याची ने मुकेश नाम के व्यक्ति की नियुक्ति किये जाने का उल्लेख किया है परन्तु शपथ-पत्र में प्रस्तुत कथन जवाबुलजवाब के कथन की पुनरावृत्ति मात्र है क्योंकि नियुक्ति के सम्बन्ध में, नियुक्ति की तिथि, पदनाम आदि का कोई विवरण नहीं है। यह भी उल्लेखनीय है कि याची स्वयं अपनी नियुक्ति सिद्ध नहीं कर सका है अतः धारा 25 एच के प्राविधान के उल्लंघन का प्रश्न नहीं उठता है। यह वाद बिन्दु तदनुसार याची के विरुद्ध नकारात्मक निर्णित किया जाता है।

### वाद —बिन्दु संख्या चार

22. यह वाद बिन्दु इस आशय का है कि क्या प्रार्थी द्वारा विवाद विलम्ब से उठाये जाने के कारण प्रार्थी द्वारा प्रस्तुत याचिका खारिज किये जाने योग्य है? विपक्ष के विद्वान प्रतिनिधि ने बहस की है कि विवाद विलम्ब से उठाये जाने के कारण खारिज होने योग्य है। इस तथ्य को सिद्ध करने का भार विपक्ष पर है। औद्योगिक विवाद अधिनियम में विलम्ब के आधार पर याचिका को निरस्त करने का कोई आधार नहीं प्रदत्त है। विपक्ष ने डेढ़ साल विलम्ब से मामला उठाये



जाने का उल्लेख किया है जिसके सम्बन्ध में प्रार्थी पक्ष ने जवाबुलजवाब में कहा है कि उसे विपक्ष द्वारा लगातार यह आश्वासन दिया गया कि उसे पुनः नियोजित कर दिया जायेगा और जब लगभग एक साल का समय गुजर गया तथा याची पुनः नियोजन नहीं हुआ तो उसने डेढ़ साल बाद विवाद उठाया। प्रतिपरीक्षा में याची ने कहा है कि प्रबन्धक महोदय श्री अशोक जैन ने कहा था कि भुगतान की स्वीकृति आयेगी तब भुगतान किया जायेगा इसलिए प्रार्थी को याचिका प्रस्तुत करने में विलम्ब हुआ। याचिका प्रस्तुति में विलम्ब की प्रकृति ऐसी है जिसके आधार पर याचिका खारिज की जाय, ऐसा कोई तथ्य विपक्ष सिद्ध नहीं कर सका है न ही यह दर्शाने में सफल है कि विलम्ब के आधार पर यह याचिका खारिज की जा सकती है। अतः यह वाद बिन्दु विरुद्ध विपक्षी नकारात्मक रूप में निर्णित किया जाता है।

### **वाद —बिन्दु संख्या पाँच**

23. यह वाद बिन्दु इस आशय का है कि याची किस अनुतोष को पाने का हकदार है? वाद बिन्दु एक लगायत चार के निस्तारण से प्राप्त निष्कर्ष के आधार पर मैं इस मत का हूँ कि याची इस तथ्य को सिद्ध करने में असफल है कि दी बैंक ऑफ राजस्थान लिमिटेड, सिटी शाखा, तम्बाकू बाजार, जोधपुर के प्रबन्धन द्वारा अपने कर्मकार श्री गोपाल सिंह साँखला पुत्र श्री मदन सिंह साँखला, चतुर्थ श्रेणी कर्मचारी को दिनांक 16.10.2001 से सेवा से बर्खास्त करना अनुचित एवं अवैध है। कर्मकार अपने नियोजक से तदनुसार कोई राहत पाने का अधिकारी नहीं है। याची की याचिका उपर दिये गये कारणों के आधार पर खारिज की जाती है। न्यायनिर्णयन हेतु प्रेषित निर्देश का उत्तर उक्त प्रकार दिया जाता है। पंचाट तदनुसार पारित किया जाता है।

भरत पाण्डेय, पीठासीन अधिकारी

नई दिल्ली, 18 जनवरी, 2018

**का.आ.123.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईसीआईसीआई बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 36/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.01.2018 को प्राप्त हुआ था।

[सं. एल-12012/57/2011-आईआर (बी-1)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 18th January, 2018

**S.O.123.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the industrial dispute between the management of ICICI Bank and their workmen, received by the Central Government on 18.01.2018.

[No. L-12012/57/2011-IR (B-I)]

B. S. BISHT, Section Officer

### **अनुबंध**

**केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर**

**सी.जी.आई.टी. प्रकरण सं. 36/2011**

भरत पाण्डेय

पीठासीन अधिकारी

रेफरेन्स नं. L-12012/57/2011-IR (B-1) दिनांक 17/10/2011

Shri Suresh Sen S/o Sh. Badrichand Sen,  
C/o Potla, Tehsil - Sahada,  
Distt. Bhilwara - (Rajasthan)

v/s

1. The Regional Manager,  
ICICI Bank, Ajmer Road,  
Distt. Bhilwara - 311001 (Rajasthan)
2. The Branch Manager,  
ICICI Bank, Potla, Tehsil - Sahada,  
Distt. Bhilwara - 311001 (Rajasthan)

प्रार्थी की तरफ से : श्री बलविन्द्र सिंह – एडवोकेट  
अप्रार्थी की तरफ से : श्री आलौक फतेहपुरिया – एडवोकेट

: पंचाट :

दिनांक : 01- 11- 2017

1. केन्द्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 10 उपधारा 1 खण्ड (घ) के अन्तर्गत दिनांक 17/10/2011 के आदेश से प्रेषित विवाद के आधार पर यह प्रकरण न्यायनिर्णयन हेतु संस्थित है। केन्द्रीय सरकार द्वारा प्रेषित विवाद निम्नवत् है :-

“Whether the action of the management of ICICI Bank Ltd, in terminating the services of Shri Suresh Sain S/o Shri Badrichand Sen w.e.f. 1.3.2009 is legal and justified? To what relief the workman is entitled?”

2. स्टेटमेन्ट ऑफ क्लेम में दिये गये तथ्यों के अनुसार संक्षिप्ततः याची श्री सुरेश चन्द्र सेन का कथन है कि विपक्षी बैंक की पोटला, जिला भीलवाड़ा की शाखा में कार्यरत दफ्तरी की पदोन्नति हो जाने के कारण याची को दफ्तरी के पद का कार्य करने के लिए दिनांक 18.9.2007 को पोटला शाखा में रखा गया जहाँ प्रार्थी ने दिनांक 18.9.2007 से फरवरी 2009 तक नियमित कर्मचारी की भौति निरन्तर सुबह दस बजे से सांय 5 बजे तक कार्य किया।

3. आगे कथन है कि प्रार्थी ने प्रत्येक कलेण्डर वर्ष में 240 दिन से ज्यादा अवधि के लिये नियमित रूप से कार्य किया जिसका भुगतान भी प्रार्थी को किया गया तथा भुगतान से सम्बन्धित समस्त रिकार्ड वाउचर आदि विपक्षी की पोटला शाखा में मौजूद है। फरवरी 2009 के बाद विपक्षी ने मौखिक आदेश से प्रार्थी की सेवायें समाप्त कर दी जिसके सम्बन्ध में कोई लिखित आदेश नहीं दिया और न ही प्रार्थी को वापस कार्य पर रखा। विपक्षी ने सेवा समाप्ति के पूर्व प्रार्थी को न तो कोई नोटिस दी, न ही नोटिस के बदले एक माह का वेतन दिया और न ही छंटनी मुआवजा का भुगतान किया।

4. याची का आगे कथन है कि याची की जगह उसे हटाने के बाद विपक्षी ने दूसरे व्यक्ति को रख लिया तथा प्रार्थी को सेवा में आने का कोई अवसर नहीं दिया, इस प्रकार प्रार्थी के विरुद्ध विपक्षी का कृत्य औद्योगिक विवाद अधिनियम 1947 की धारा 25 एफ एवं 25 एच का उल्लंघन है एवं विधि विरुद्ध है। यह भी कहा है कि प्रार्थी सेवा मुक्ति के बाद से अब तक बेरोजगार है, अतः याची ने प्रार्थना की है कि उसकी सेवामुक्ति आदेश दिनांक 1.3.2009 को निरस्त कर उसे समस्त विगत वेतन लाभ सहित सेवा में पुनर्स्थापना का आदेश दिया जाय।

5. विपक्ष की तरफ से याचिका के जवाब में याचिका के प्रस्तर एक लगायत 10 के कथन को गलत बताते हुए अस्वीकार किया गया है। अतिरिक्त कथन में यह कहा गया है कि याची दि बैंक ऑफ इन्डिया, राजस्थान लि. की पोटला शाखा में अंशकालीन दैनिक वेतन भोगी के रूप में बैंक के प्रबन्धक द्वारा बैंक में सफाई कार्य हेतु रखा गया था जिसे 50 रुपया दैनिक मजदूरी दी जाती थी। प्रार्थी की दि बैंक ऑफ राजस्थान लि. द्वारा कभी भी दफ्तरी के पद पर नियुक्ति नहीं की गयी थी और न ही विपक्षी आई.सी.आई.सी.आई. बैंक में उसने दफ्तरी के पद पर कार्य किया। प्रार्थी जिस दिन सफाई कार्य करता था केवल उस दिन के लिए उसे 50 रुपया दैनिक की दर से मजदूरी दी जाती थी तथा प्रबन्धक ने उसे व्यक्तिगत तौर पर रखा था। प्रार्थी की कोई नियुक्ति नहीं की गयी थी न नियुक्ति की कोई प्रक्रिया अपनायी गयी थी। शाखा प्रबन्धक को किसी प्रकार की नियुक्ति प्रदान करने का अधिकार नहीं था। याची 1.11.2008 के बाद कभी भी पोटला शाखा में सफाई कार्य हेतु नहीं आया और न ही उसे 1.11.2008 के बाद के समय हेतु कोई भुगतान किया गया है। औद्योगिक विवाद अधिनियम की धारा 25 बी के अनुरूप याची ने किसी कलेण्डर वर्ष में 240 दिन की अवधि तक नियमित कार्य नहीं किया है। अंशकालीन दैनिक वेतन भोगी होने के कारण उसका कार्यकाल प्रत्येक दिन की कार्य समाप्ति पर समाप्त हो जाता था एवं उस पर औद्योगिक विवाद अधिनियम के प्राविधान लागू नहीं होते हैं। याची ने केवल 18.8.2007 से 1.11.2008 के मध्य केवल कभी-कभार कार्य किया है तथा कभी भी लगातार 240 दिन तक किसी कलेण्डर वर्ष में कार्य नहीं किया है। प्रार्थी को फरवरी 2009 में कार्य से हटाने का प्रश्न नहीं उठता है क्योंकि उसने 1.11.2008 के बाद कभी कार्य नहीं किया।

6. आगे यह कहा गया है कि प्रार्थी का यह कहना गलत है कि उसे बैंक के किसी अधिकारी से लिखित रूप में सेवामुक्ति आदेश देने के लिए कहा हो। प्रार्थी ने 1.11.2008 के लगभग दो साल बाद श्रम समझौता अधिकारी के समक्ष अपना विवाद उठाया जिससे स्वतः यह जाहिर होता है कि प्रार्थी को नियुक्ति का अधिकार होता तो वह तुरन्त विवाद उठाया होता एवं उक्त अवधि में वह समझौता अधिकारी के समक्ष विवाद नहीं उठाया क्योंकि वह अन्यत्र कार्यरत था। प्रार्थी बैंक को परेशान करने के लिए विवाद उठाया है तथा याचिका प्रस्तुत की है जो खारिज होने योग्य हैं। विपक्षी बैंक द्वारा धारा 25 एच का उल्लंघन नहीं किया गया है तथा किसी व्यक्ति को दफ्तरी के पद पर नियोजित नहीं किया गया है। प्रार्थी ने विपक्षी से अनावश्यक धन उगाहने के उद्देश्य से यह याचिका प्रस्तुत की है जो चलने योग्य नहीं है। यह भी कहा गया है कि प्रारम्भिक आपत्ति के आधार पर याचिका पोषणीय नहीं है एवं खारिज होने योग्य है।
7. प्रारम्भिक आपत्ति में कहा गया है कि आई.सी.आई.सी.आई. बैंक द्वारा प्रार्थी को कभी नियुक्ति नहीं दी गयी। औद्योगिक विवाद अधिनियम की धारा 2 (ओ.ओ.) (बी.बी.) के प्राविधान याची के मामले में लागू होने के कारण याची किसी अनुतोष को पाने का हकदार नहीं है तथा याचिका पोषणीय नहीं है। न्यायाधिकरण को रिफरेन्स की सुनवाई के अधिकार नहीं है क्योंकि प्रार्थी को कोई नियुक्ति नहीं दी गयी इसलिए न्यायाधिकरण अपने आदेश से याची को नियोजन में नियमित नहीं कर सकती है।
8. प्रार्थी ने विपक्ष के जवाब के विरुद्ध दिनांक 13.2.14 को रिज्वायन्डर प्रस्तुत कर जवाब के कथन को अस्वीकार किया है एवं गलत कहा है तथा याचिका के कथन का समर्थन किया है। यह भी कहा है कि उसे रोज भुगतान नहीं किया जाता था बल्कि माह के अन्त में भुगतान किया जाता था। यह भी कहा है कि विपक्ष का यह कहना गलत है कि 1.11.2008 के बाद याची ने कार्य नहीं किया है तथा कार्य पर नहीं आया।
9. पत्रावली पर किसी भी पक्ष की तरफ से कोई प्रलेखीय साक्ष्य नहीं प्रस्तुत किया गया है जबकि दस्तावेजी साक्ष्य प्रस्तुत करने के लिए दिनांक 12.12.12 से 28.11.16 तक अवसर प्रदान किया गया है।
10. प्रार्थी द्वारा याचिका के समर्थन में कोई शपथ-पत्र भी साक्ष्य में नहीं प्रस्तुत किया गया है जिसके लिए न्यायाधिकरण द्वारा 7.12.16 से 10.10.17 तक अवसर प्रदान किया गया है। अन्त में दिनांक 10.10.17 को याची के साक्ष्य का अवसर समाप्त किया गया है। विपक्ष को साक्ष्य का अवसर प्रदान किया गया है। विपक्ष के विद्वान प्रतिनिधि ने बयान किया कि याची के साक्ष्य के अभाव में विपक्ष को साक्ष्य प्रस्तुत करने की आवश्यकता नहीं है, अतः विपक्ष का साक्ष्य समाप्त किया गया।
11. मैंने उभयपक्ष के विद्वान प्रतिनिधि की बहस सुनी तथा पत्रावली का सम्यक अवलोकन किया।
12. न्यायाधिकरण के समक्ष याची पक्ष ने नियुक्ति पत्र अथवा वेतन भुगतान से सम्बन्धित कोई अभिलेखीय साक्ष्य नहीं प्रस्तुत किया है। याची पक्ष ने याचिका के समर्थन में कोई शपथ-पत्र भी नहीं प्रस्तुत किया है न याची की विपक्ष द्वारा कोई प्रतिपरीक्षा की गयी है। याचिका के समर्थन में याची द्वारा प्रस्तुत किसी साक्ष्य के अभाव में मैं इस निष्कर्ष पर हूँ कि याची यह तथ्य सिद्ध करने में असफल है कि दिनांक 01.3.2009 से आई.सी.आई.सी.आई. बैंक लिमिटेड के प्रबन्धन द्वारा याची श्री सुरेश चन्द्र सेन पुत्र श्री बद्रीचन्द की सेवाएं समाप्त करना अनुचित एवं विधि विरुद्ध है। तदनुसार याची किसी याचित अनुतोष को पाने का अधिकारी नहीं है। याची की याचित अनुतोष हेतु प्रस्तुत याचिका खारिज की जाती है। पंचाट तदनुसार पारित किया जाता है।

भरत पाण्डेय, पीठासीन अधिकारी

नई दिल्ली, 18 जनवरी, 2018

**का.आ.124.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 28/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.01.2018 को प्राप्त हुआ था।

[सं. एल-12025/01/2018-आईआर (बी-I)]

बी. एस. बिष्ट, अनुभाग अधिकारी

New Delhi, the 18th January, 2018

**S.O.124.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 18.01.2018.

[No. L-12025/01/2018-IR (B-I)]

B. S. BISHT, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 13th day of December, 2017

**INDUSTRIAL DISPUTE L.C. No. 28/2010****Between:**

Sri K. Srinivasa Reddy,  
S/o K. Venkata Reddy,  
7<sup>th</sup> Ward, Sriramnagar,  
Giddalur.

...Petitioner

**AND**

The Chief General Manager (Personnel),  
State Bank of India, L.H.O.,  
Bank Street,  
Hyderabad.

...Respondent

**Appearances:**

For the Petitioner : M/s. S. Prasada Rao, K. Satyamurthy, A.P. Manoranjan,  
K. Bharathi & R. S. Swamy, Advocates

For the Respondent : M/s. B.G. Ravindra Reddy & Y. Ranjeeth Reddy, Advocates

**AWARD**

Sri K. Srinivasa Reddy, the Petitioner who worked as Messenger in the Respondent bank has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents State Bank of India seeking for declaring the action of the Respondents in terminating the service of the Petitioner w.e.f. 31.3.1997 as illegal, arbitrary and consequently directing the Respondents to reinstate the Petitioner into service with continuity of service, with full back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The Petitioner workman has filed his claim petition and Respondent also filed their respective counter statement.

3. The case stands posted for hearing and recording of the Petitioner's evidence.

4. In spite of availing several opportunities to adduce evidence, the Petitioner workman remained absent and there is no representation on behalf of the Petitioner, which clearly indicates that perhaps the dispute of the Petitioner has already been settled. In the circumstances stated above, it is felt that the Petitioner workman has got no claim to raise. Thus, 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 13<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 18 जनवरी, 2018

**का.आ.125.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 4/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15.01.2018 को प्राप्त हुआ था।

[सं. एल-22013/01/2018-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 18th January, 2018

**S.O.125.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 4/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 15.01.2018.

[No. L-22013/01/2018-IR (CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 19th day of December, 2017

**INDUSTRIAL DISPUTE L.C. No. 4/2011****Between:**

Sri Karedla Srinivas,  
S/o Mallaiah,  
C/o Smt. A. Sarojana,  
Advocate, Flat No.G7,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Bellampalli Area, Bellampalli,  
Adilabad District.
2. The Superintendent of Mines,  
M/s. Singareni Collieries Company Ltd.,  
Goleti No. I Incline, Bellampalli,  
Adilabad District.

...Respondents

**Appearances:**

For the Petitioner : M/s. A. Sarojana &amp; K. Vasudeva Reddy, Advocates

For the Respondent : Sri S.M. Subhani, Advocate

**AWARD**

Sri Karedla Srinivas who worked as Badli Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondent M/s. Singareni Collieries Company Ltd., seeking to declare proceeding No. BPA/PER/129/1664 dated 12.5.2008 issued by 1<sup>st</sup> Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows:**

The Petitioner was initially joined the services of the Respondents' company on 2.5.2006. The Petitioner used to be regular to his duties. Subsequently the Petitioner suffered ill-health and other family problems due to which he remained absent during the year 2007. While the matters stood thus, charge sheet dated 9.2.2008 was issued to the Petitioner by the Respondents alleging that the Petitioner absented from duty during the year 2007, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. BPA/PER/129/1664 dated 12.5.2008. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 2007, as it was only on account of his family problems and ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents' management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered one year of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. BPA/PER/129/1664 dated 12.5.2008 issued by the 1<sup>st</sup> Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. **The Respondent filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 24.1.2006 as a Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Learned Counsel for the Petitioner conceding the domestic enquiry conducted in this case as valid, the domestic enquiry conducted in this case was held valid and legal vide order dated 16.11.2016.

5. I have already heard both the parties under Sec.11(A) of the Industrial Disputes Act, 1947.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Karedla Srinivas is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his illness and other family problems, the Petitioner could not be able to attend his duty sincerely. He was getting treatment in company's area hospital. Even in his show cause the Petitioner has mentioned the above facts but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. But the authority has not considered any of the submissions of the Petitioner, and has imposed capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, and has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 28 years, he is now aged about 34 years and is searching ways and means to provide bread and butter to his family members. The Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward at the age of 34 years to work under the Respondent. In such a circumstances, atleast one chance should be given to him for reinstatement into service in order to get all his terminal benefits. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for about one year under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Karedla Srinivas is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Karedla Srinivas is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

Proceeding No. BPA/PER/129/1664 dated 12.5.2008 issued by the 1<sup>st</sup> Respondent is declared as illegal and is hereby set aside. It is ordered that the workman Sri Karedla Srinivas be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in case the workman completes the probation period of one year successfully he will be allowed to continue in service till the date of his superannuation. The management shall consider any forced absenteeism on account of Mine accidents/Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 19<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 18 जनवरी, 2018

**का.आ.126.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 9/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15.01.2018 को प्राप्त हुआ था।

[सं. एल-22013/01/2018-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 18th January, 2018

**S.O.126.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 9/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 15.01.2018.

[No. L-22013/01/2018-IR (CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 13th day of December, 2017

**INDUSTRIAL DISPUTE L.C. No. 9/2007****Between:**

Sri Siddani Mallesh,  
S/o Laxmaiah,  
C/o Smt. A. Sarojana,  
Advocate, Flat No. G7,  
Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad.

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Area, Mandamarri,  
Adilabad District.
2. The Superintendent of Mines,  
M/s. Singareni Collieries Company Ltd.,  
RK-1A Incline, Mandamarri,  
Adilabad District.

...Respondents



**Appearances:**

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates  
For the Respondent : Sri S.M. Subhani, Advocate

**AWARD**

Sri Siddani Mallesh who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. P/RKP/16/99/116 dt.1.1.2000 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was initially appointed as Badli Filler in the year 1986 and later he was promoted as Coal Filler, and was regular to his duties till the year 1997. During which time the Petitioner's father expired in the year 1998 and subsequently his son fell sick and expired. Due to these fatal incidents the Petitioner got depressed and was irregular to his duties during the year 1998. While the matters stood thus, one charge sheet dated 10.2.1999 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the year 1998 which amounts to misconduct under company's Standing Order No. 25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. P/RKP/16/99/116 dt. 1.1.2000. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the above said period as it was only on account of his ill-health, death of his father and son, and other family problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 12 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. P/RKP/16/99/116 dt. 1.1.2000 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 6.2.1986 as Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates for the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show-cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show-cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the counsel for the Petitioner, conceding the validity of the domestic enquiry conducted by the Respondents, the domestic enquiry conducted in this case is held as legal and valid vide order dated 2.2.2009.

5. Both the parties have advanced their arguments under Sec. 11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Siddani Mallesh is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No. I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness, his father and son's death and other family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his father and son's death and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing the punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness, the death of his father, son and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 45 years, he is now aged about 55 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for 12 years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Siddani Mallesh is not legal and justified.

Thus, Point No. I is answered accordingly.

10. **Point Nos. II & III:** In Point No. I, it has already been discussed that the punishment of dismissal from service to Sri Siddani Mallesh is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

Proceeding No. P/RKP/16/99/116 dt.1.1.2000 issued by Respondent No.1 is declared as illegal and is hereby set aside. It is ordered that the workman Sri Siddani Mallesh be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short

fall of attendance during the period of the three months, the service of the workman shall not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in case the workman completes the one year probation period successfully he will continue in service till the age of his superannuation. The management shall consider any forced absenteeism on account of Mine accidents/Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 13<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 18 जनवरी, 2018

**का.आ.127.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 9/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15.01.2018 को प्राप्त हुआ था।

[सं. एल-22013/01/2018-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 18th January, 2018

**S.O.127.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 9/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 15.01.2018.

[No. L-22013/01/2018-IR (CM-II)]

RAJENDER SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 20th day of December, 2017

**INDUSTRIAL DISPUTE L.C. No. 9/2011**

#### Between:

Sri Racharla Thirupathi,  
S/o Rajam,  
C/o Smt. A. Sarojana,  
Advocate, Flat No. G7,

Rajeshwari Gayatri Sadan,  
Opp: Badruka Jr. College for Girls,  
Kachiguda, Hyderabad

...Petitioner

**AND**

1. The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Area, Mandamarri,  
Adilabad District.
2. The Colliery Manager,  
M/s. Singareni Collieries Company Ltd.,  
RK-1A Incline, Mandamarri,  
Adilabad District.

...Respondents

**Appearances:**

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

**AWARD**

Sri Racharla Thirupathi who worked as Badli Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondent M/s. Singareni Collieries Company Ltd., seeking to declare proceeding No. MMR/PER/D/072/08/5356 dated 9.10.2008 issued by 1st Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was initially joined the services of the Respondent company in the year 2006. The Petitioner used to be regular to his duties. The Petitioner's mother suffered ill-health during the year 2007, for which the Petitioner had to look after his ailing mother and to accompany his mother to the hospital. The Petitioner submits that due to his mother's ailments he also suffered ill-health and other family problems due to which he remained absent during the year 2007. While the matters stood thus, charge sheet dated 9.1.2008 was issued to the Petitioner by the Respondents alleging that the Petitioner absented from duty during the year 2007, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. MMR/PER/D/072/08/5356 dated 9.10.2008. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 2007, as it was only on account of his family problems and ill-health as well as the ill-health of his mother. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents' management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered one year continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. MMR/PER/D/072/08/5356 dated 9.10.2008 issued by the 1<sup>st</sup> Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondent filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 24.1.2006 as a Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show-cause notice giving him an opportunity to

make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show-cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limine.

4. In view of the memo filed by the Learned Counsel for the Petitioner conceding the domestic enquiry conducted in this case as valid, the domestic enquiry conducted in this case was held valid and legal vide order dated 23.1.2017.

5. I have already heard both the parties under Sec.11(A) of the Industrial Disputes Act, 1947.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Racharla Thirupathi is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his illness as well as his mother's illness and other family problems, the Petitioner could not be able to attend his duty sincerely. He was getting treatment in company's area hospital. Even in his show-cause the Petitioner has mentioned the above facts but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. But the authority has not considered any of the submissions of the Petitioner, and has imposed capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, and has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 28 years, he is now aged about 34 years and is searching ways and means to provide bread and butter to his family members. The Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to the court at the age of 34 years to work under the Respondents. In such a circumstances, atleast one chance should be given to him for reinstatement into service in order to get all his terminal benefits. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for about one year under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Racharla Thirupathi is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Racharla Thirupathi is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

**ORDER**

Proceeding No. MMR/PER/D/072/08/5356 dated 9.10.2008 issued by the 1st Respondent is declared as illegal and is hereby set aside. It is ordered that the workman Sri Racharla Thirupathi be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in case the workman completes the probation period of one year successfully he will be allowed to continue in service till the date of his superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 20th day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 18 जनवरी, 2018

**का.आ.128.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 94/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15.01.2018 को प्राप्त हुआ था।

[सं. एल-22013/01/2018-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 18th January, 2018

**S.O.128.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 94/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd. and their workmen, received by the Central Government on 15.01.2018.

[No. L-22013/01/2018-IR (CM-II)]

RAJENDER SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 14th day of December, 2017

**INDUSTRIAL DISPUTE L.C. No. 94/2009****Between:**

Sri Ramchetti Srinivas,  
S/o Rajamouli,  
R/o 17-3-261/1, Dwarakanagar,  
Godavarikhani,  
Karimnagar District

...Petitioner

**AND**

The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Goleti-I incline, Bellampally,  
Adilabad

...Respondent

**Appearances:**

For the Petitioner : M/s. P. Sudha &amp; Venkatesh Dixit, Advocates

For the Respondent : Sri S.M. Subhani, Advocate

**AWARD**

Sri K. Narsinga Rao who worked as Badli Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondent M/s. Singareni Collieries Company Ltd., seeking to declare the proceeding No. BPA/PER/129/1614 dated 06/09.05.2008 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondent to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

The Petitioner was initially joined the services of the Respondent company on 17.10.2005. The Petitioner was regular to his duties till his dismissal from service dated 6.5.2008. The Petitioner submits that due to difference in his marital life and divorce from his wife, he was mentally upset and remained absent from his duties for few days which he used to inform the concerned officials from time to time. While the matters stood thus, charge sheet dated 6.2.2008 was issued to the Petitioner by the Respondent alleging that the Petitioner absented from duty during the year 2007, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order No. BPA/PER/129/1614 dated 06/09.05.2008. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 2007, as it was only on account of his family problems and ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondent management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 3 years of continuous service in the Respondent's management. The Petitioner approached the Respondent to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order No. BPA/PER/129/1614 dated 06/09.05.2008 issued by the Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

**3. The Respondent filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

In the counter the Respondent while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondent's company on 17.10.2005 as a Badli Filler. He was dismissed from service on

proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Counsel for the Petitioner stating that the Petitioner is conceding to the validity of the domestic enquiry conducted in the present case, and as such, the domestic enquiry conducted in this case was held valid and legal vide order dated 16.1.2014.

5. I have already heard both the parties under Sec.11(A) of the Industrial Disputes Act, 1947.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri K. Narsinga Rao is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. He was getting treatment in company's area hospital. Even in his show cause the Petitioner has mentioned the above facts but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. But the authority has not considered any of the submissions of the Petitioner, and has imposed capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondent's company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated into service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Petitioner could not be able to be regular in his duty, and has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 25 years, he is now aged about 33 years and is searching ways and means to provide bread and butter to his family members. The Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward at the age of 33 years to work under the Respondent. In such a circumstances, atleast one chance should be given to him for reinstatement into service in order to get all his terminal benefits. Admittedly several modes of punishment are enumerated in company's Standing Orders. The Petitioner is a first offender and has worked for about three years under the Respondent. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri K. Narsinga Rao is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri K. Narsinga Rao is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given



a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

### ORDER

Proceeding No. BPA/PER/129/1614 dated 06/09.05.2008 issued by the Respondent is declared as illegal and is hereby set aside. It is ordered that the workman Sri K. Narsinga Rao be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in case the workman completes the probation period of one year successfully he will be allowed to continue in service till the date of his superannuation. The management shall consider any forced absenteeism on account of Mine accidents/Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 14<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

### Documents marked for the Petitioner

NIL

### Documents marked for the Respondent

NIL

नई दिल्ली, 19 जनवरी, 2018

**का.आ.129.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रबंध निदेशक, आई.जे.एम. (इंडिया) इंफ्रास्ट्रक्चर लिमिटेड, गुंटूर जिला और उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एलसी 26/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.12.2017 को प्राप्त हुआ था।

[सं. एल-42025/04/2017-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.129.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (No. LC 26/2014) of the Central Government Industrial Tribunal-cum-Labour

Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the Managing Director, I.J.M. (India) Infrastructure Ltd., Guntur District and their workman, which was received by the Central Government on 06.12.2017.

[No. L-42025/04/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD**

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 10th day of October, 2017

**INDUSTRIAL DISPUTE L.C. No. 26/2014**

**Between:**

Sri Emmela Israel,  
S/o Late Jaya Rao  
H.No.9-313, Yuvajana nagar,  
Pedakakani, Pedakakani Mandal,  
Guntur District – 522509

...Petitioner

**AND**

The Managing Director,  
I.J.M. (India) Infrastructure Ltd.,  
Rain Tree Park, Dwaraka Krishna Villa  
Type-A No.82, Opp. Nagarjuna University,  
Nagarjuna Nagar, Pedakakani Mandal,  
Guntur District – 522508

...Respondent

**Appearances:**

For the Petitioner : Sri Abid Hussain, Advocate

For the Respondent : Legal Representative

**AWARD**

Sri Emmela Isreal, the Petitioner has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the respondent I.J.M(India) Infrastructure Ltd., and it was registered in this Tribunal as LC No. 26/2014 and notices were issued to the Respondents.

2. The Petitioner filed claim statement stating that Respondent has illegally terminated his services w.e.f. 7.4.2013 without assigning any reason and without any prior notice. Further, the Petitioner prayed to direct the Respondent to reinstate the Petitioner into service with continuity of service, full back wages with all attendant benefits.

3. The Respondent filed counter affidavit stating that the petition is not maintainable as the Petitioner himself was absent from duties and remained absent for duty after repeated notices. Hence the petition is liable to be rejected.

4. The case posted for Petitioner's evidence. But, on that date the Petitioner and his counsel were absent, inspite of repeated calls. Since 18.8.2016, the Petitioner is found absent. Non-appearance of the Petitioner on the date of hearing of the case clearly indicates that perhaps the matter has been settled between the parties and the Petitioner has no claim to raise. Hence, the case of the Petitioner is closed in absence of his evidence and 'No Dispute' award is passed.

Award is passed accordingly.

Typed to my dictation by Personal Assistant, corrected and pronounced by me on this the 10<sup>th</sup> day of October, 2017.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner/Workman**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 19 जनवरी, 2018

**का.आ.130.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद और उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 110/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.01.2018 को प्राप्त हुआ था।

[सं. एल-42012/219/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.130.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 110/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 01.01.2018.

[No. L-42012/219/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of December, 2017

**INDUSTRIAL DISPUTE No. 110/2015****Between :**

Smt. K. Kavitha,  
W/o Kishan Naik,  
R/o F.No.54, Adarsh Nagar,  
Kapra, Secunderabad – 500 062

...Petitioner

**AND**

The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500 062

...Respondent

**Appearances:**

For the Petitioner : Representative

For the Respondent : Representative

**AWARD**

The Government of India, Ministry of Labour by its order No. L-42012/219/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

**SCHEDULE**

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Smt. K. Kavita W/o Kishan Naik, is illegal, arbitrary and violation of the Section 25F of the ID Act 1947? If yes, to what relief the workman are entitled to?”

The reference is numbered in this Tribunal as I.D. No. 110/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 12<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 19 जनवरी, 2018

**का.आ.131.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार निदेशक, पूर्वी क्षेत्र के लिए जल प्रौद्योगिकी केंद्र (आईसीएआर), भुवनेश्वर एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 341/2001, 342/2001, 343/2001, 344/2001, 346/2001, 347/2001, 348/2001, 349/2001 और 350/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.12.2017 को प्राप्त हुआ था।

[सं. एल-42012/180/99-आईआर (डीयू),  
सं. एल-42012/181/99-आईआर (डीयू),  
सं. एल-42011/74/99-आईआर (डीयू),  
सं. एल-42011/79/99-आईआर (डीयू),  
सं. एल-42011/75/99-आईआर (डीयू),  
सं. एल-42011/76/99-आईआर (डीयू),  
सं. एल-42011/77/99-आईआर (डीयू),  
सं. एल-42011/78/99-आईआर (डीयू),  
सं. एल-42011/80/99-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.131.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 341/2001, 342/2001, 343/2001, 344/2001, 346/2001, 347/2001, 348/2001, 349/2001 & 350/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the Director, Water Technology Centre for Eastern Region (ICAR), Bhubaneswar and their workman, which was received by the Central Government on 18.12.2017.

[No. L-42012/180/99-IR (DU),  
No. L-42012/181/99-IR (DU),  
No. L-42011/74/99-IR (DU),  
No. L-42011/79/99-IR (DU),  
No. L-42011/75/99-IR (DU),  
No. L-42011/76/99-IR (DU),  
No. L-42011/77/99-IR (DU),  
No. L-42011/78/99-IR (DU),  
No. L-42011/80/99-IR (DU)]

RAJENDRA JOSHI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri B.C. Rath,  
Presiding Officer, C.G.I.T.-cum-Labour  
Court, Bhubaneswar.

**Tr. INDUSTRIAL DISPUTE CASE NO. 341/2001****Date of Passing Award – 30<sup>th</sup> November, 2017****Between :**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management**(And)**

Shri Pradipta Kumar Mantry,  
S/o. Shri Baishnab Ch. Mantry,  
At. Bharigola, Po. Kusunpur,  
Karur

...2<sup>nd</sup> Party-Workman**Tr. INDUSTRIAL DISPUTE CASE NO. 342/2001****Between:**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management**(And)**

Shri Ganga Dhar Panda,  
S/o. Shri Bansidhar Panda,  
At. Bidyadharpur Po. Naya Bazar,  
Dist. Cuttack

...2<sup>nd</sup> Party-Workman

**Tr. INDUSTRIAL DISPUTE CASE NO. 343/2001****Between:**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management

**(And)**

Shri Harihar Kalia & 3 others,  
S/o. Sh. Bhaskar Kalia, At. Giringaput,  
Po. Mendhasal, Dist. Khurda – 751 016

...2<sup>nd</sup> Party-Workmen

**Tr. INDUSTRIAL DISPUTE CASE NO. 344/2001****Between:**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management

**(And)**

Shri Narayan Behera & 4 others,  
S/o. Shri Raj Kishore Behera,  
At. Haridamala, Po. Mendhasal,  
Dist. Khurda – 751 016

...2<sup>nd</sup> Party-Workmen

**Tr. INDUSTRIAL DISPUTE CASE NO. 346/2001****Between:**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management

**(And)**

Shri P.K. Behera & 5 others,  
S/o. Shri Gauranga Behera,  
At. Giringaput, Po. Mendhasal,  
Dist. Khurda – 751 016

...2<sup>nd</sup> Party-Workmen

**Tr. INDUSTRIAL DISPUTE CASE NO. 347/2001****Between:**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management

**(And)**

Shri L.D. Behera & 5 others,  
S/o. Shri Karitik Behera,  
At. Haradimada, Po. Mendhasal,  
Dist. Khurda – 751 016

...2<sup>nd</sup> Party-Workmen

**Tr. INDUSTRIAL DISPUTE CASE NO. 348/2001****Between:**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management**(And)**

Shri Bishnu Charan Das & 7 others,  
S/o. Shri Ghanashyam Das,  
Po. Turintira,  
Dist. Khurda – 751 016

...2<sup>nd</sup> Party-Workmen**Tr. INDUSTRIAL DISPUTE CASE NO. 349/2001****Between:**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management**(And)**

Shri Satya Sundar Samant & 6 Others,  
S/o. Shri Sudarsan Samant, At. Haridamoda,  
Po. Mendhasal, Dist. Khordha – 751 016

...2<sup>nd</sup> Party-Workmen**Tr. INDUSTRIAL DISPUTE CASE NO. 350/2001****Between:**

The Director, Water Technology Centre  
for Eastern Region, (ICAR),  
At./Po. Chandrasekharpur,  
Bhubaneswar

...1<sup>st</sup> Party-Management**(And)**

Shri Ajaya Kumar Behera & 6 others,  
S/o. Shri Braja Mohan Behera,  
Po. Kishore Nagar,  
Dist. Khurda – 751 016

...2<sup>nd</sup> Party-Workmen**Appearances:**

Shri Subrat Mishra, Advocate	...	For the 1 <sup>st</sup> Party-Management
M/s. Amar Sahoo, Advocate	...	For the 2 <sup>nd</sup> Party-Workmen

**AWARD**

The I.D. Cases bearing No. 341/2001, 342/2001, 343/2001, 344/2001, 346/2001, 347/2001, 348/2001, 349/2001 & 350/2001 are disposed of by this common award since cause of action giving scope to raise the industrial disputes, pleadings advanced by the parties to the references in their claim statements and written statements and the reliefs sought there-under as well as the schedule of references except the name of the disputants mentioned in the said schedule are identical and common and all the references are against one and the same Management i.e. Water Technology Centre for Eastern Region, Bhubaneswar.

2. The Government of India in the Ministry of Labour in exercising its authority conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act (herein-after referred to as “the Act”) have referred the disputes between the management of WTCER and the disputants namely S/Sh. Pradipta Kumar Mantry, Gangadhar Panda, Harihar Kalia, Benudhar Nayak, Ramakanta Samal, Gumi Dei, Narayan Behera, Kusa Sethi, Bansidhar Behera, Dhuleswar Jena Mihir Das, Pramod Kumar Behera, Niranjana Das, Nitima Lagia, Manulu Harsa, Muralidhar Das, Muralidhar Jena, Laxmidhar Behera, Sarathi Paikarai, Prafulla Kumar Mishra, Kedar Behera, Arat

Sing, Bijaya Kumar Behera, Habib Khan, Nabakishore Pradhan, Bharat Singh, Bishnu Charan Das, Dilip Kumar Pradhan, Nimai Charan Mall, Biswambar Jena, Ashok kumar Pradhan, Jagannath Das, Debraj Behera, Sukadev Samal, Satya Sundar Samant, Saraswati Dei, Aditya Kumar Nayak, Ajaya Kumar Samal, Duburi Harsa, Taraisean Mangaraj, Prasanta Kumar Behera, Ajaya Kumar Behera, Ashok Chandra Rout, Sukanta Jena, Ramesh Biswal, Salila Kumar Behera, Prafulla Kumar Bardhan and Arun Kumar BarasI for its adjudication vide its letter No. L-42012/180/99/IR(DU), dated 02.03.2000, L-42012/181/99/IR(DU), dated 02.03.2000, L-42011/74/99/IR(DU), dated 02.03.2000, L-42011/79/99/IR(DU), dated 02.03.2000 L-42011/75/99/IR(DU), dated 02.03.2000, L-42011/76/99/IR(DU), dated 02.03.2000, L-42011/77/99/IR(DU), dated 02.03.2000, L-42011/78/99/IR(DU), dated 02.03.2000, L-42011/80/99/IR(DU), dated 02.03.2000 and the schedule of references in the common terms is “Whether the action of the Management of WTCER, Bhubaneswar by changing the employment of the disputants as so-called contract labourers and afterwards terminating their services is justified? Whether the action of the Management of WTCER by not reinstating or by not giving temporary status to the disputants is legal and justified? If not to what relief the disputants are entitled to?”

3. In the claim statements filed in the above reference cases the disputant-workmen have claimed that they were employed/engaged by the 1<sup>st</sup> Party-Management in between the year 1989 to 1990 to do field work in Deras firm of Mendhasala managed by the 1<sup>st</sup> Party. Initially their service was directly under the control and supervision of the Management and they were also receiving their wages directly from the 1<sup>st</sup> Party-Management. The 1<sup>st</sup> Party did not provide them any appointment letter and wage slips and their employment was on oral and verbal basis. According to them they worked for more than 240 days continuously and uninterruptedly as casual labourers directly under the 1<sup>st</sup> Party till a dubious method was adopted by the 1<sup>st</sup> Party by changing their engagement/employment through the contractors with effect from 16.12.1990. It is the claim of the disputant workmen that such change in their service condition was made without any prior notice to them and in violation of the provisions of Section 9-A of the Act. Such change of method of their engagement was only in paper transactions and it was sham and camouflage to avoid the liabilities of extending temporary status to them. Their such employment and payment of wages are reflected in the muster rolls maintained by the Management. In spite of such change in the method of their engagement they continued to work directly under the control and supervision of the officers of the 1<sup>st</sup> Party-Management. They were paid wages in the same rate in which they were paid previously by the 1<sup>st</sup> Party. They were shown to have received wages from the contractors only in paper transaction though payment was made to them directly by the officers of the Management. When they raised objection to such change of their service condition, they were refused engagement with effect from 24.12.1994. Hence, they and some others approached the Central Administrative Tribunal vide O.A. No. 51/1995 challenging the above whimsical action of the Management and prayed for regularization of their services for conferment of temporary status as per the Scheme notified by the Central Government as well as for regularization of their services. It has been further asserted by the disputants that in the said case they took a stand that their engagement as contract labour was sham and camouflage in violation of contract labour Act and provisions of the I.D. Act for which the Hon’ble CAT while dismissing their application directed them to raise an industrial dispute under the provisions of the I.D. Act. Accordingly they have raised the present disputes.

4. The 1<sup>st</sup> Party-Management in its written statements have taken a stand that it being a research oriented institution is not an “Industry” as defined under the I.D. Act and as such the provisions of the I.D. Act is not applicable to it. The disputants were never engaged or employed by it directly in view of circulars of the Central Government issued from time to time more particularly after 16.12.1990. The institution being a research oriented centre in the field of agriculture needs to do some seasonal works in its firm and as such contractors are entrusted on different occasions to provide labourers intermittently to perform the seasonal nature of work in the field (as per the instruction of the Council as per its letter No. 24(6)/88-CDM, dated 19.9.1990). The disputants might have been engaged intermittently through the contractors as and when required. Hence, question does not arise on the part of the Management to employ or engage them directly on daily rated/temporary casual labourer basis and there was no scope for the Management to take continuous and uninterrupted service of the disputants and to take their attendance by taking their signatures in any muster rolls or registers. When there was no appointment of the disputant workmen by the Management, there was also no occasion on its part to terminate/retrench/disengage them. The scheme of 1/30<sup>th</sup> pay implemented by the Central Government is not applicable to them. The seasonal work for which labourers are being engaged through contractors is not also a permanent and perennial in nature job. As there was no “employer and employee” relationship between it and the contract workers, the disputants are not entitled to any reliefs to which they are claiming.

5. On the aforesaid pleadings of the parties and same set of issues mentioned below are settled in all the reference cases for just and proper adjudication of the dispute.

#### ISSUES

1. Whether the Management is an Industry as defined under section 2(j) of the I.D. Act?
2. Whether the claimant is a workman?



3. Whether the action of the Management of WTCER by changing the employment of the disputants as so called contract labour is justified?
4. Whether the termination of service of the disputants is legal and justified?
5. Whether the action of the Management by not resisting or by not giving temporary status to the disputant is legal and justified?
6. To what relief the disputants are entitled?

6. In order to substantiate their respective claims, the parties have examined one witnesses each separately in each references and filed certain letters/documents like copy of the letter of the management dated 21.4.1990 relating to intimation for the date of interview, copy of the office memorandum dated 8.2.1993 relating to the guidelines of 1/30 scheme, copy of the letter dated 10.9.1993 of the DoPT regarding grant of temporary status and regularization of casual workers, copy of the extract of the order passed by the C.A.T. in O.A. 51/1995, copies of experience certificates which are exhibited on behalf of the 2<sup>nd</sup> party-workman. On the other hand the Management has relied upon the same set of documents in each cases like the copies of acquaintance/attendance rolls and a letter dated 19.9.1990 issued by the ICAR, copies of agreements entered between the Management and the labour contractors and certain other documents.

7. It is pertinent to mention here that maintainability of the reference was heard as a preliminary issue pursuant to the direction of the Hon'ble High Court passed in W.P.(C) No. 7080/2003. On that occasion main thrust was given by the Management that the institution is not an "industry" as defined under the I.D. Act and as such the reference was not maintainable. This Tribunal vide its order dated 29.7.2005 has answered the issue affirmatively in favour of the disputant holding that the establishment of the management is an "industry" as defined under section 2(j) of the I.D. Act in view of the principles and guidelines set out by the Hon'ble Apex Court in the case of Bangalore Water Supply and Sewerage Board –versus- A. Rajjapa. The said order was challenged by the 1<sup>st</sup> Party-Management before the Hon'ble High Court vide W.P.(C) No. 11451/2005 and the Writ application was dismissed on merit vide order dated 19.10.2011 of the Hon'ble High Court. As such there is no need to give any findings afresh on the issue of maintainability of the reference as well as the issue whether the WTCER is an "Industry" as defined under the Act.

8. Coming to other issues, which are taken for consideration simultaneously for the sake of convenience, it is seen that the disputants have claimed that they were directly engaged or employed by the Management in the field work and they were receiving their wages directly from the Management of WTCER. But the Management changed their mode of appointments and payment of their wages through contractors with effect from 16.12.1990 without giving them any prior notice. Such change in nature of service being unfair labour practice is illegal and unjustified. It has been further alleged that their engagement was terminated by the Management with effect from 24.12.1994 without due compliance of the provisions of the I.D. Act. It is well settled by the Hon'ble Apex Court in a catena of decisions including in the case between The Range Forest Officer –Versus- S.T. Hadimani in Civil Appeal No. 1283/2002 (AIR 2002 SC 1147) that when the disputant workman claims to have been engaged by the Management and he worked for more than 240 days continuously in a calendar year and his service was terminated or he was retrenched in violation of the provisions of the I.D. Act and it is denied by the Employer/Management, the initial burden lies on the claimant disputant workman to lead evidence to show that he was infact engaged/employed by the Management and he worked for more than 240 days continuously and uninterruptedly in the year preceding to his alleged termination/retrenchment. Filing of an affidavit in this regard is not sufficient and the same cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that the workman was infact engaged and worked for the Management for 240 days in a year. When the pleadings and evidence of the disputant workmen is closely scrutinized keeping in view the above settled principle, it is seen that not a single scrap of paper towards engagement/employment of any of the disputants other than their own assertions in form of sworn affidavit is available on the record to arrive in a conclusion that the disputants or any of them were, in fact, engaged either temporarily/casually or on a daily rated worker in any point of time and they worked for more than 240 days in a year preceding to their said retrenchment either from the date of their mode of engagement was allegedly changed i.e. 21.4.1990 or from the date on which they were allegedly wrongfully disengaged i.e. 24.12.1994. In support of their engagement directly by the Management the disputants have filed some photo-copies of letters purportedly issued to some of the disputant workmen for attending an interview to be held for appointment of the posts of Firm/Field Technician and Laboratory Attendant. The said exhibits/documents do not suggest that any of the disputant workmen was selected in such interview and given appointment/engagement to work either as a daily rated or casual/temporary worker to discharge such duty of Field Technician or Laboratory Attendant. Similarly some photocopies of the documents of experience certificates have been pressed into evidence to show the engagement of the disputant workmen in the Management. Close examination of such photo-copies reveals that such experience certificates do not disclose that the disputants were engaged directly or indirectly by the Management for doing any work for the institution. That apart, some of such certificates are related to the period of two/three months and contents thereof do not disclose that they were appointed or engaged by the Management to work as a

casual/temporary or daily wager to do the field work for the Management. But, on such circumstances and evidence the claim of the disputants cannot be out-rightly discarded when there is no specific and clear cut denial by the Management on the engagement of the disputants as daily casual labourers prior to 21.04.1990. Further, it cannot be over-looked that a daily casual labourers are usually engaged on verbal direction and no appointment letter or any other document other than vouchers showing payment of wages to such casual labourers are usually issued/prepared for such engagement of casual labourers. Those vouchers are in possession of the employers and the daily rated workmen are not expected to produce the same to prove their engagement.

9. On the other hand, it is emerging from the evidence of the Management witness, who is a Senior Scientist & Head of Office and the photo copies of attendance registers and muster rolls maintained during the period 1989-90, which are pressed into evidence by the Management that there is no serious dispute that prior to 21.4.1990 assistance of daily/casual labourers were taken by the Management for doing seasonal works in the firm of the Management and those labourers were receiving wages directly from the Management. Further, on a close examination of the sworn affidavits of the Management witness filed in the different reference cases, it is found that the disputants were engaged as labourers on daily wage basis. The statistics given in tabular form in those sworn affidavits further reveal that there are two categories of casual labourers. Some of them are stated to have worked for more than 240 days in a year preceding to adoption of contract labour system whereas others are found to have worked for a small period or much less than 240 days in a year. The disputants namely Gangadhar Panda, Harihar Kalia, Narayan Behera, Kusa Sethi, Pramod Kumar Behera, Sarathi Paikarai, Prafulla Kumar Mishra, Kedar Behera, Arat Singh, Sukadev Samal, Satya Sundar Samant, Saraswati Dei, Ajay Kumar Behera, Ashok Kumar Rout and Salila Kumar Behera worked for a period of 329, 323, 479, 423, 291, 262, 332, 430, 380, 407, 299, 348, 488, 393 and 267 days respectively in between the date of their initial engagement in the year 1988-89 and the date on which contract labour system is allegedly adopted i.e. 21.04.1990. If their such period of employments are taken into consideration vis-a-vis the initial dates on which they were engaged as daily casual labourers, it is emerging that they had worked for a period of more than 240 days in a year prior to 21.4.1990. Other disputants are found to have been engaged for a small period which is much less than 240 days in a year.

10. It is not in dispute that the Central Government in the Ministry of Personnel, P.G. & Pension (DoPT) had issued an Office Memorandum the copy of which has been marked as Ext.-2 and as per the said memorandum a scheme was adopted for conferment of temporary status to the casual employees or persons engaged on daily wage basis for a continuous and uninterrupted period of more than 240 days in a year preceding to such issuance of the memorandum. The scheme came into effect from 1.9.1993 and clause-4(1) of the scheme temporary status would be conferred on all casual labourers who are in employment on the date of issue of this office memorandum and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days in the offices observing six days week. Further, the scheme was applicable only to all Central Government offices other than Department of Telecommunication, Posts and Railways. It is the contention of the disputants that having worked for more than 240 days in a calendar year as a daily rated casual worker prior to their disengagement on 24.12.1994 they were automatically entitled to such conferment of temporary status with effect from 10.09.1993 and as such their alleged disengagement with effect from 24.12.1994 without any reason and initiation of any departmental action is illegal and nullity in the eye of law.

11. As per the schedule and terms of the reference this Tribunal is required to adjudicate the disputes (i) whether the action of the Management in changing the mode/method of engagement of the disputants by adopting contract labour system with effect from 21.04.1990 can be legal and justified, (ii) whether the action of the Management in terminating the services or retrenching the disputants after accepting the disputants as contract labourers was a violation of the provisions of the I.D. Act for which they are to be reinstated either with or without back wages and other service benefits and whether the disputants are entitled for conferment of temporary status as per the scheme adopted by the Central Government of India vide its Office Memorandum No. 51016/2/90-Estt.(C) dated 10<sup>th</sup> September, 1993.

12. Coming to the first point of dispute it is the stand of the disputant-workmen that they were engaged directly and they worked under direct control and supervision of the Management till they were disengaged. It is contended that, the pleadings and evidence advanced by the Management to show their engagement through contractor with effect from 21.4.1990 is sham and camouflage as provisions of Section 7 and 12 of Contract Labour (Regulation & Abolition) Act were not complied by the Management. It is also argued that before adoption of alleged contract labour system the Management failed to comply the provisions of Section 9-A of the Act as no notice was issued to any of them for such change of nature of service and as such their alleged engagement through contractors with effect from 21.4.1990 till their disengagement was also unfair labour practice. The Management having failed to comply the provisions of the Contract Labour Act, the adoption of contract labour system with effect from 21.04.1990 is to be sham and camouflage. Besides, it is their claim that no tender was floated for such engagement of contract labourers and some of the disputants were shown as contractors in paper transactions only. Therefore, the disputants should be presumed to have been working directly under the supervision and control of the Management. Though such contention has been

advanced by the disputants, admittedly no pleadings or evidence has been advanced on behalf of the disputants to establish that any notification was issued by the appropriate authority/Advisory Board prohibiting the engagement of contract labourers in the establishment of the Management for which the Management was required to comply with the requirements as contemplated under Section 7 and 12 of the Contract Labour (Regulation & Abolition) Act. Furthermore, as per the settled principles violation of the provisions of the Section-7 and 12 of the said Act if any, by the Management cannot lead to a conclusion that the disputants were direct workmen of the Management. It cannot be over-sighted that the disputants were engaged on daily rated casual labourers and they were not given appointment against any sanctioned posts either temporarily or on casual daily wages basis. It is not in dispute that the Management is required to take assistance of labourers for doing agriculture activities in its firm and judicial notice can be taken that such agriculture activities are always seasonal and requirement of casual/daily labourers must be varying from time to time or season to season depending upon the nature of crop/agriculture activities taken up in the firm. Therefore, the Management is not required to engage same number of daily wagers/labourers in its firm. Services of certain number of daily casual labourers through-out the year must be necessary to look after the agricultural activities in the firm and therefore, it can be safely presumed that the disputants namely Gangadhar Panda, Harihar Kalia, Narayan Behera, Kusa Sethi, Pramod Kumar Behera, Sarathi Paikarai, Prafulla Kumar Mishra, Kedar Behera, Arat Singh, Sukadev Samal, Satya Sundar Samant, Saraswati Dei, Ajay Kumar Behera, Ashok Kumar Rout and Salila Kumar Behera who worked for more than 240 days in a year were rendering services to the Management as a casual labourers through-out the year and they stands in a different footing than the disputants having worked for a lesser period than 240 days. In case of those disputants no compliance as required under section 25-F, 25-G and 25-H are required to be made. Their services being intermittent and on need basis and less than 240 days in a year and more particularly on the daily wage basis, they are not required to be issued with any notice for change of method of their engagement as contemplated under section 9-A of the I.D. Act. Hence, the action of the Management by changing the employment of such disputants namely P.K. Mantry, Benudhar Nayak, Ramakanta Samal, Gumi Devi, Bansidhar Behera, Dhuleswar Jena, Mihir Das, Niranjana Das, Nitima Lagia, Mangulu Harsa, Muralidhar Jena, Laxmidhar Behera, Bijay Kumar Behera, Habib Khan, Naba Kishore Pradhan, Bharat Singh, Nimain Ch. Mall, Dilip Kumar Pradhan, Bishnu Charan Das, Biswambar Jena, Ashok Kumar Pradhan, Jagannath Das, Debraj Behera, Tarinisen Mangaraj, Aditya Kumar Nayak, Dumbi Harsa, Prasanta Kumar Behera, Sukanta Jena, Ramesh Biswal, Prafulla Kumar Bardhan & Arun Kumar Baral by adopting contract labour system and afterwards terminating their services cannot be held illegal and unjustified in absence of the compliance of provisions of Section 25-F of the Act. Since these disputants are stated to have been contract labourers or engaged intermittently less than 240 days in a year preceding to their alleged disengagement and they being employed seasonally purely on temporary basis, the Management cannot be said to have committed any illegality by not giving temporary status to such disputants as per the Central Government Scheme adopted vide Office Memorandum No. 51016/2/90-Estt.(C) dated 10<sup>th</sup> September, 1993.

13. So far the disputants namely Gangadhar Panda, Harihar Kalia, Narayan Behera, Kusa Sethi, Pramod Kumar Behera, Sarathi Paikarai, Prafulla Kumar Mishra, Kedar Behera, Arat Singh, Sukadev Samal, Satya Sundar Samant, Saraswati Dei, Ajay Kumar Behera, Ashok Kumar Rout and Salila Kumar Behera who are found to have completed more than 240 days continuous employment/engagement in a year, are concerned it is pertinent to mention here that they are standing in different footing as their services can be terminated subject to compliance of the provisions of Section 25-F of the Act otherwise the said termination would not be tenable in the eye of law. Admittedly they were neither issued with any notice before their service was changed to contract labour system as required under section 9-A of the I.D. Act nor they were disengaged with compliance of the provisions of Section 25-F of the I.D. Act and re-engaged through contractors by adopting contract labour system. In the case between workmen of the Food Corporation of India and M/s. Food Corporation of India vide Civil Appeal No. 1055(NL) of 1981 the Hon'ble Apex Court have held that once contract system abolished and workmen of contractors taken over by the Food Corporation, any action on the part of the Management for reintroducing the contract labour system requires a prior notice under section 9-A of the Act. Failure of compliance of the provisions of Section 9-A before introducing contract labour system would be an illegal change and therefore, those workmen are to be treated to have been continuing as a casual daily worker under the direct control and supervision of the Management of WTCER. Therefore, the action of the Management by changing the employment/engagement of disputants namely Gangadhar Panda, Harihar Kalia, Narayan Behera, Kusa Sethi, Pramod Kumar Behera, Sarathi Paikarai, Prafulla Kumar Mishra, Kedar Behera, Arat Singh, Sukadev Samal, Satya Sundar Samant, Saraswati Dei, Ajay Kumar Behera, Ashok Kumar Rout and Salila Kumar Behera as contract labourers with effect from 16.12.1990 and afterwards retrenching them is totally illegal and unjustified and such action of the Management is a contravention of the provisions of the I.D. Act.

14. It is seen that as per a catena of decisions in recent time the Hon'ble Apex Court have clearly laid down that an order of retrenchment passed in violation of Section 25-F although may be set aside, but an award of reinstatement should not, however, be automatically passed. Such relief of reinstatement depends upon the facts and circumstances of each case. A court may pass an order substitution for an order of reinstatement by awarding compensation but the same has to be based on justifiable grounds viz. (i) where the industry is closed; (ii) where the employee is superannuated or

going to retire shortly and no period of service is left to his credit; (iii) where the workman has been rendered incapacitated to discharge the duties and cannot be reinstated and/or (i) when he has lost confidence of the Management to discharge duties. There may be appropriate case on facts which may be justify substituting the order of reinstatement by award of compensation, but that has to be supported by some legal and justifiable reasons indicating why the order of reinstatement should be allowed or to be substituted by award of compensation. Keeping the above principles in view when the pleadings and evidence of the parties are taken into consideration it can be safely concluded that the Management being a research institute in agriculture field needs assistance of a certain number of regular casual/daily wage labours for agriculture activities in its firm and the disputants can be reinstated and adjusted as such regular casual/daily labourers. Furthermore, it cannot be over-sighted that Central Government formulated a scheme for the grant of temporary status and regularization of services of the casual labourers working in the various departments under the Government of India. The scheme came into effect from 1.9.1993. Clause-4 of the scheme stated that it would apply to all casual labourers in the employment of the Ministries/Departments of the Government of India and their attached and subordinate offices other than Postal, Telecommunication and Railway Deptt. The scheme envisaged conferring of temporary status on all casual labourers who had worked for at least 240 days in a year preceding to Sept., 1993. It is already stated that the above named disputants completed 240 days of work in a year prior to 21.4.1990, when they were disengaged by the Management and method of their engagement was changed by introducing engagement of labourers through contractors. Had they been continuing to work as casual/daily wage labourer they would have been entitled for conferment of such temporary status under the scheme of the Central Government. In the given situations the above named disputants should not be denied with reinstatement unless there are some other weighty reasons for adopting the course of grant of compensation instead of reinstatement. In the above facts and circumstances reinstatement is the just and appropriate relief to which the above named disputants are entitled to. The above disputants have not given any service to the Management during the period of their disengagement and there is no evidence on record to establish that they were not in employment through-out the period of their disengagement. Hence, I am not inclined to grant any relief of back wages or financial benefits usually extended to such temporary status employees other than the benefit of continuity of service for the purpose of fixation of their wages and other future financial benefits likely to be accrued to them in the event of their reinstatement and conferment of temporary status as per the Central Government scheme with retrospective effect. Further, each of these workmen shall be given a compensation of Rs. 25,000/- each for having fought the litigation to establish their case for the last 20 years.

15. At the same time it cannot be over-sighted that in the meanwhile more than 20 years have been elapsed from the date of the alleged refusal of service to the disputants and it may be expected that some of disputants might have attained the age of superannuation or near to such age. It is also submitted during argument that one of the disputant namely Harihara Kalia has committed suicide during pendency of the case. Having regard to the above facts and circumstances I find it just and appropriate and for equity of justice to pass an alternative award of one time monetary compensation of Rs. 1,25,000/- to the disputant who are not willing to accept the relief of reinstatement.

16. For the reasons mentioned above, the action of the Management in changing the employment of Gangadhar Panda, Harihar Kalia, Narayan Behera, Kusa Sethi, Pramod Kumar Behera, Sarathi Paikarai, Prafulla Kumar Mishra, Kedar Behera, Arat Singh, Sukadev Samal, Satya Sundar Samant, Saraswati Dei, Ajay Kumar Behera, Ashok Kumar Rout and Salila Kumar Behera as contract labourers and afterwards terminating their services and refusing conferment of temporary status to them can be safely held illegal and unjustified. Hence the above disputants are to be reinstated as casual/daily rated workers without any back wages on the principle of “no work no pay” and their reinstatement should be effected within two months of publication of award in the official gazette. Further, the above named disputants being deemed to be continuing as daily wager with effect from 21.04.1990 are entitled to be conferred with temporary status in view of the scheme adopted by the Central Government vide its Office Memorandum No. 51016/2/90-Estt.(C) dated 10<sup>th</sup> September, 1993 and therefore, the Management is to act accordingly to confer such status with retrospective effect so as to enable the disputants to avail service and financial benefits prospectively in the event of their reinstatement and conferment of temporary status. The above named disputants who are not willing to accept the relief of reinstatement be paid of Rs. 1,25,000/- as a compensation in lieu of reinstatement. Besides each of the above disputants are to be paid Rs. 25,000/- towards litigation expenses in raising the dispute.

17. The reference is answered accordingly.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 19 जनवरी, 2018

**का.आ.132.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद और उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 108/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.01.2018 को प्राप्त हुआ था।

[सं. एल-42012/217/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.132.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 108/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 01.01.2018.

[No. L-42012/217/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of December, 2017

**INDUSTRIAL DISPUTE No. 108/2015****Between :**

Sri M. Bhikshapathi,  
S/o Komaraiah,  
R/o 3-10-1/232, Nehru Nagar Colony,  
Block No. 3, Ashok Nagar, Mallapur,  
Hyderabad – 500076

...Petitioner

**AND**

The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500 062

...Respondent

**Appearances:**

For the Petitioner : Representative

For the Respondent : Representative

**AWARD**

The Government of India, Ministry of Labour by its order No. L-42012/217/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

**SCHEDULE**

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. M. Bhikshapathi S/o Komaraiah, is illegal, arbitrary and violation of the Section 25F of the ID Act 1947 ? If yes, to what relief the workman are entitled to ?”

The reference is numbered in this Tribunal as I.D. No. 108/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and 'No dispute' award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 12<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

NIL

नई दिल्ली, 19 जनवरी, 2018

**का.आ.133.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद और उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 107/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.01.2018 को प्राप्त हुआ था।

[सं. एल-42012/216/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.133.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 107/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 01.01.2018.

[No. L-42012/216/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of December, 2017

**INDUSTRIAL DISPUTE No. 107/2015**

**Between :**

Smt. Kamalamma,  
W/o Ramulu,  
R/o 3-10-1-210-3, Nehru Nagar Colony,

Block No.3, Ashok Nagar, Mallapur,  
Hyderabad – 500 076

...Petitioner

**AND**

The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500 062

...Respondent

**Appearances:**

For the Petitioner : M/s. G. Ravi Mohan & Vikas Sharma, Advocates

For the Respondent : Representative

**AWARD**

The Government of India, Ministry of Labour by its order No. L-42012/216/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

**SCHEDULE**

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Smt. K. Kamalamma, W/o Ramulu, is illegal, arbitrary and violation of the Section 25F of the ID Act 1947 ? If yes, to what relief the workman are entitled to ?”

The reference is numbered in this Tribunal as I.D. No. 107/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 12<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 19 जनवरी, 2018

**का.आ.134.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद और उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 106/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.01.2018 को प्राप्त हुआ था।

[सं. एल-42012/215/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.134.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 106/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 01.01.2018.

[No. L-42012/215/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD**

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of December, 2017

**INDUSTRIAL DISPUTE No. 106/2015**

**Between :**

Sri K. Sriramulu,  
S/o Sattaiah,  
R/o 1-107/1, Srinivas Nagar Colony,  
Meddipally, Uppal Mandal,  
Hyderabad – 500076

...Petitioner

**AND**

The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500 062

...Respondent

**Appearances:**

For the Petitioner : M/s. G. Ravi Mohan & Vikas Sharma, Advocates

For the Respondent : Representative

**AWARD**

The Government of India, Ministry of Labour by its order No. L-42012/215/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

**SCHEDULE**

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. K. Sriramulu, S/o K. Sattaiah, is illegal, arbitrary and violation of the Section 25F of the ID Act 1947 ? If yes, to what relief the workman are entitled to ?”

The reference is numbered in this Tribunal as I.D. No. 106/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non- appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 12<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer



**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 19 जनवरी, 2018

**का.आ.135.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुख्य कार्यकारी, परमाणु ऊर्जा विभाग, हैदराबाद और उनके कर्मचारी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 105/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.01.2018 को प्राप्त हुआ था।

[सं. एल-42012/214/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.135.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 105/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the Chief Executive, Department of Atomic Energy, Hyderabad and their workman, which was received by the Central Government on 01.01.2018.

[No. L-42012/214/2015-IR (DU)]

RAJENDRA JOSHI, Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 12th day of December, 2017

**INDUSTRIAL DISPUTE No. 105/2015****Between :**

Sri D. Mallesh,  
S/o D. Balaiah,  
R/o 8-60, Ashok Nagar, Mallapur,  
Nacharam, Uppal Mandal,  
Hyderabad – 500076

...Petitioner

**AND**

The Chief Executive,  
Nuclear Fuel Complex,  
Department of Atomic Energy,  
Hyderabad – 500 062

...Respondent

**Appearances:**

For the Petitioner : M/s. G. Ravi Mohan &amp; Vikas Sharma, Advocates

For the Respondent : Representative

**AWARD**

The Government of India, Ministry of Labour by its order No. L-42012/ 214/2015-IR(DU) dated 7.12.2015 referred the following dispute between the management of Nuclear Fuel Complex and their workman under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal. The reference is,

**SCHEDULE**

“Whether the action of the management of Nuclear Fuel Complex, Hyderabad by terminating the services of the workman Sh. D. Mallesh, S/o D. Balaiah, is illegal, arbitrary and violation of the Section 25F of the ID Act 1947 ? If yes, to what relief the workman are entitled to ?”

The reference is numbered in this Tribunal as I.D. No. 105/2015 and notices were issued to the parties concerned.

2. The case was posted for filing of claim statement by the Petitioner. But, no representation was made on behalf of the workman. Non-appearance of the Petitioner clearly indicates that perhaps the Petitioner has settled the dispute with the Respondent and there is no claim to raise. Hence, there is no need to linger the case to any other date. In the circumstances stated above, the case of the Petitioner is closed as against the present Respondent and ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P Phani Gowri, Personal Assistant and corrected by me on this the 12<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 19 जनवरी, 2018

**का.आ.136.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार प्रिंसिपल, एडवर्ड्स, आशा स्कूल बेस अस्पताल, नई दिल्ली और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. 2, दिल्ली के पंचाट (संदर्भ संख्या 33/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.12.2017 को प्राप्त हुआ था।

[ सं. एल-14012/15/2017-आईआर (डीयू) ]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.136.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 33/2017) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the Principal, AWWA, Asha School Base Hospital, New Delhi and Other and their workman, which was received by the Central Government on 11.12.2017.

[No. L-14012/15/2017-IR (DU)]

RAJENDRA JOSHI, Dy. Director

## ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL CUM LABOUR COURT NO.2, ROOM NO. 512, DWARKA  
COURT COMPLEX, SECTOR-10 DWARKA, DELHI**

**ID. NO. 33/2017**

Ms. Reena Pathak,  
R/o H, No. 56/3 , Gali No. 11,  
Pratap Nagar, Mayur Vihar-I,  
Delhi

...Claimant

**Versus**

1. The Principal, AWWA, Asha School  
Base Hospital, Delhi Cantt, New Delhi-110010
2. Welfare Section , AG's Br HQ  
Delhi Area, Delhi Cantt,  
Delhi-110010

...Management

**AWARD**

In the present case, a reference was received from the appropriate Government vide letter No.L-14012/15/2017 (IR(DU)) dated 10.08.2017 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

“Whether the termination of services of workman Ms. Reena Pathak and non payment of appropriate wages who worked as Safai Karamchari from 1.1.2006 till 31.10.2012 on renewal basis by the management of Asha School, C/o 505 , Army Base workshop , Delhi Cantt, is legal and justified. If not, what relief is she entitled to and from which date?”

2. In the reference order, the appropriate Government commanded the party/ies raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant opted not to file his claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained affected during the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on her behalf. Thus, it is clear that the claimant is not interested in adjudication of the reference on merits.
4. Since the claimant has neither put in her appearance nor has she led any evidence so as to prove her cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date : November 30, 2017

A. C. DOGRA, Presiding Officer

नई दिल्ली, 19 जनवरी, 2018

**का.आ.137.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाप्रबंधक, मैसर्स पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 01/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.11.2017 को प्राप्त हुआ था।

[सं. एल-42012/99/2016-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 19th January, 2018

**S.O.137.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 01/2017) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the General Manager, M/s. Power Grid Corporation of India Ltd. & others and their workman, which was received by the Central Government on 19.11.2017.

[No. L-42012/99/2016-IR (DU)]

RAJENDRA JOSHI, Dy. Director

### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

##### Present :

Shri B.C. Rath,  
Presiding Officer, C.G.I.T.-cum-Labour  
Court, Bhubaneswar.

#### INDUSTRIAL DISPUTE CASE NO. 01/2017

No. L-42012/99/2016-IR(DU), dated 16.12.2016/26.12.2016

**Date of Passing Order – 15<sup>th</sup> November, 2017**

##### Between:

1. The Assistant General Manager (HR & Admn.),  
GET Power Pvt. Ltd., Registered Office,  
Tecpro Towers, Plot No. 11-A 17, 5<sup>th</sup> Cross Road,  
SIPCOT IT Park Siruseri, Chennai – 603 103.
2. The General Manager,  
M/s. Power Grid Corporation of India Ltd.,  
27, Sahidnagar, Bhubaneswar, Orissa

...1<sup>st</sup> Party-Managements.

##### (And)

Shri Jyoti Ranjan Bahali,  
GET Power Ltd., EMP No. 10594,  
At./Po. Irrigation Colony, Ps. Jeypore,  
Dist. Koraput, Odisha – 764 004

...2<sup>nd</sup> Party-Workman

##### Appearances :

None.	...	For the 1 <sup>st</sup> Party-Managements
None	...	For the 2 <sup>nd</sup> Party-Workman

### ORDER

Case taken up. Parties are absent. The 2<sup>nd</sup> Party-workman has not filed any statement of claim despite notice through regd. post. As such, it seems that the 2<sup>nd</sup> party-workman is not interested in prosecuting his case. However the dispute cannot be adjudicated upon for want of pleadings on behalf of the parties. As such there is no alternative except to return the reference to the Government for necessary action at its end.

2. Accordingly the reference is returned to the Government unanswered for necessary action at its end.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.138.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 01/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-20012/139/2015-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 22nd January, 2018

**S.O.138.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 01 of 2016) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 19.01.2018.

[No. L-20012/139/2015-IR (CM-I)]

M. K. SINGH, Section Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

#### Reference No. 01 of 2016

Employer in relation to the management of Bastacolla Area of M/s. BCCL

#### AND

Their workman

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : Shri S.K.Behra, Asstt.Manager

For the workman : Shri Akhtar Khan, Rep.

For J.C.M.U : None

State : Jharkhand

Industry : Coal

Dated- 21/12/2017

#### AWARD

By order No.-L-20012/139/2015 IR-(CM-I), dated. 23/12/2015 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub –Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal:

#### SCHEDULE

**“Whether the action of the management of East Bhagatdih Colliery under Bastacolla Area of M/s. BCCL in dismissing Shri Parmeshwar Bouri , Ex- General Mazdoor, Pers. No. 01380880 vide letter No. EBC/PD/05/ABS/2417 dated 17/19.12.2005 from the service of the company is fari and justified ? To what relief the concerned workman is entitled to ?”**

2. The case is received from the Ministry of Labour on 04.01.2016. After receipt of reference, both parties are noticed. Both the Union are present. Rashtriya Mazdoor Union files their written statement on 19.02.2016 and Jharkhand Colliery Mazdoor Union files their written Statement on 12.05.2016 but the management files their written statement -cum-rejoinder on 21.10.2016. The point involved in the reference is that the workman has been dismissed from his services from 2005. No evidence adduced by either side.

3. The short point involved in the reference is that the workman has been dismissed from his services on absenteeism. During pendency of this case only Rashtriya Mazdoor Union is contesting the case and defend the workman concerned.

4. During Preliminary hearing. it is revealed that the case is dismissal of workman for long absence on duty. But he has already out of service for last 12 years. It is felt to give another chance to the workman to serve.

5. Considering the facts and circumstances of this case, I hold that he be taken into job as under ground General Mazdoor cat-I scale a fresh employee according to service excerpt, and Date of birth is verified from form 'B' and service excerpt. But the workman be kept under probation for a period two year . Therefore the question of granting back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.139.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 23/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-20012/07/2016-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 22nd January, 2018

**S.O.139.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 23 of 2016) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 19.01.2018.

[No. L-20012/07/2016-IR (CM-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

#### Reference No. 23 of 2016

Employer in relation to the management of E.J. Area of M/s. BCCL

#### AND

Their workman

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : None

For the workman : Shri Pintu Mondal, Rep.

State : Jharkhand

Industry : Coal

Dated- 22/12/2017

#### AWARD

By order No.-L-20012/07/2016 IR-(CM-I), dated. 12/04/2016 the Central Govt. in the Ministry of Labour has, in exercise of powers conferred by clause (d) of Sub –Section (1) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act.1947, referred the following disputes for adjudication to this Tribunal:

#### SCHEDULE

**“Whether the action of the management of Incline Mine Sudamdih of M/S BCCL in dismissing Shri Pitan Roy, Pers No. 02900058 , Ex-Miner Loader from the service of the company vide order dated 09/11.06.2009 is fair and justified? If not, what relief the concerned workman is entitled to?”**

2. The case is received from the Ministry of Labour on 09. 05.2016. After receipt of reference , both parties are noticed. The Sponsoring Union files their written statement on 17.11.2016. But after notice management neither

appears nor files any written statement. The point involved in the reference is that the workman has been dismissed from his services vide order dated 09/11.06.2009. No witness adduced from either side.

4. The point involved in the reference is that the workman has been dismissed from his services on the ground of long absence. But he has already out of service since last 8 years. It is felt to give another chance to the workman concerned to serve.

5. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee in cat-I subject to identity and proper verification. But the workman be kept under probation for a period of two year. Therefore the question of back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.140.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स टिस्को लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 47/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.01.2018 को प्राप्त हुआ था।

[सं. एल-20012/351/1994-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 22nd January, 2018

**S.O.140.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 47 of 1995) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. TISCO Ltd. and their workmen, which was received by the Central Government on 08.01.2018.

[No. L-20012/351/1994-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

#### Reference No. 47/1995

Employer in relation to the management of Chasnalla Colliery of M/s. TISCO Ltd.

#### AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri D. Mukherjee, Rep.

State : Jharkhand

Industry : Coal

Dated- 22/12/2017

#### AWARD

By order No. L-20012/351/1994-IR(C-1) dated 23/05/1995 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the Union for regularization by principal employer viz. Manager of Chasnall Colliery of M/s TISCO Ltd., of Smt. Mangla Devi and other workmen ( as per lists enclosed ) employed through contractor is legal and justified in the light of the supreme Court judgment in Dina nath case? If so, to what relief the workmen are entitled and from which date?**

**Annexure****List of workmen**

<b>Sl.No</b>	<b>Name</b>	<b>Father's Name</b>
1	Harilal Rai	Rupan Rai
2	Madhusudan Bouri	Nakul Bouri
3	Kutri Deshwali	Rekhu Deshwali
4	Sanatan Deshwali	Jakhu Deshwali
5	Babulal Singh	Shiba Prasad Singh
6	Dhanu Bouri	Bhagarathi
7	Udhir Deshwali	Abhi Deshwali
8	Nani Bai	Jowala Prasad.
9	Jowlal Prasad	Sital Prasad
10	Sabitri Ray	Prabin Ch. Ray
11	Saktipada Ray	Mahendra Ray
12	Rahidas Manjhi	Jagdish Manjhi
13	Yudhistir Rajak	Aklu Rajak
14.	Manoj Bouri	Jogendra Bouri
15	Sarapada Bouri	Dhiru Bouri
16	Bhuban Bouri	Chatu Bouri
17	Suhan Bouri	Caaitu Bouri
18	Paresh Gope	Saru Gope
19	Debu Gope	Bhairo Gope
20	Saju Bouri	Fatik Bouri
21	Baju Bouri	Fatik Bouri
22	Padu Deshwali	Abhi Deshwali
23	Fanu Deshwali	Arjun Deshwali
24	Manohar Mahara	Jagdish Mahara
25	Narad Bouri	Madho Bouri
26	Achala Deshwali	Dhiren Deshwali
27	Santi Deshwali	Sudhir Deshwali
28	Thakurdas rewani	Gaju Rewani
29	Basu Bouri	Sachudant Bouri
30	Jadeo Rai	Dibhum Rai
31	Nitai Rai	Hansu Rai
32	Satrughan Bouri	Paban Bouri
33	Puna Bouri	Atul Bouri



34	Sarathi Bouri	Sudhir Bouri
35	Kalyan Bouri	Arun Bouri
36	Kanti Bouri	Bhutu Bouri
37	Ranjit Bouri	Satya Bouri
38	Ashok Bouri	Fakir Bouri
39	Ajit Bouri	Piru Bouri
40	Dharmdas Bouri	-----
41	Fakir Bouri	Hiru Bouri
42	Bimla Devi	W/O Fakir Bouri
43	Bilas Bouri	Prayag Bouri
44	Suga Bourin	W/O Kishore Bouri
45	Dukhan Bouri	Bhulan Bouri
46	Radhu Bouri	Sona ram Bouri
47	Animala	Raju Manjhi
48	Abala Devi	W/O San Manjhi
49	Anadi Bouri	Mahadeo Bouri
50	Asari Bouri	Atul Bouri
51	Mokhu Bouri	Bipin Bouri
52	Santu Bouri	Tinkori Bouri
53	Jagdish Rai	Bhiku Rai
54	Shreeram Bouri	Khandu Bouri
55	Bharat Bouri	Sanatan Bouri
56	Nitai Bouri	Balkisun Bouri
57	Arjun Rai	Srirant Bouri
58	Sarva Mallick	Benku Mallik
59	Tarapada Bouri	Jagnarayan Bouri
60	Chatu Bouri	Baldeo Bouri
61	Anil Rai	Haripada Rai
62	Sakuntala Bourin	Rohin Bouri
63	Ankur bouri	Bipin Bouri
64	Muchi Ram	Bistu Ram
65	Bhantu Boui	Basu Bouri
66	Kasuna Bouri	Ridhu Bouri
67	Chapu Bouri	Dhanu Bouri
68	Padam Lochan Rajak	Lal Mohan Rajak.
69	Binod Rai	Sambhu Rai
70	Murala Bouri	Kisto Bouri
71	Bhika Manjhi	Soni Manjhi
72	Rikhu Manjhi	Abhi Manjhi
73	Chinta Kumari	Kalipada Bouri
74	Prem Bala Kumari	Bhikhu Ram
75	Sagar Bouri	Banku Banku Bouri

76	Ranjit Rajak	Mohan Rajak
77	Dinu Rajak	Mantu Rajak
78	Mantu Deshwali	Sohan Deshwali
79	Ajit Bouri	Manbodh Bouri
80	Ydhistir Rajak	Shankar Rajak
81	Ashok Mahara	Anand Mahara
82	Girdhari Mahara	Dukhu Mahara.
83	Arati Devi	Tilka Bouri
84	Tilka Bouri	Muhi Bouri
85	Babulal Bouri	Sambhu Bouri
86	Sanjoy Kumar Ojha	Sristidhar Ojha.
87	Hakim Mahato	Sahadeo Mahato
88	Kamesh Bouri	Chatu Bouri
89	Santi Bourin	Kamesh Bouri
90	Ranjit Bouri	Dhanu Bouri
91	Dandu Munda	Tapu Munda
92	Manu Bouri	Manti Bouri
93	Chandi Bouri	Upendra Bouri
94	Rabin Karmakar	G. Karmakar
95	Subhas Bouri	Dukhu Bouri
96	Siben Bouri	Suchand bouri
97	Achala Rajawarin	Mantu Rajwar
98	Dilip Bouri	Hari Bouri
99	Santosh Bouri	Hari Bouri
100	Biren Bouri	Hari Bouri
101	Nirmal Ojha	Bilopoda Ojha.
102	Sadhan Bouri	Ragho Bouri
103	Dagon Mahatha	Kinu Maha
104	Amrit Bouri	Dhanu Bouri
105	Alka Bouri	Dhanu Bouri
106	Kailash Bouri	Bharat Bouri
107	Parmila Devi	Lalu Sah.
108	Sambhu Sharma	Kisun Kistry.
109	Kukurmuni Majhian	Budhu Manjhi
110	Niyati Majhian	Khuchu Manjhi
111	Muruiya Bouri	Bharat Bouri
112	Achilal Sah	Moti Sah.
113	Bablu Bouri	Kailash Bouri
114	Ajit Karmakar	S. Karmakar
115	Swapan Ojha	Dipen Ojha.
116	Kartik Bouri	Sibu Bouri
117	Parimalm Ojha	Satish Ojha.

118	Nitish Kr. Ojha	Nand Ki shore Ojha.
119	Prem Ojha	Deb Dayal Ojha
120	Deb Dayal Ojha	
121	Tapas Ojha	Subodh Ojha
122	Subodh Ojha	Tarapada Bouri
123	Tarapada Bouri	Piru Bouri
124	Jagdish Gope	Panchu Gope
125	Amri Sripati Malick	Sripati Mohlick
126	Yosoda Mallick	Gokul Mallick
127	Gayaram Bouri	Akhru Bouri
128	Subhdra Bouri	Bish Bouri
129	Madhu Bouri	Jagdish Bouri
130	Kisto Muchi	Lakhiram Mouchi
131	Rampada Bouri	Jagdish Bouri
132	Santosh Bouri	Bhuban Bouri
133	Sri Kanti Bouri	Bhutu Bouri
134	Kalyan Bouri	Arun Bouri
135	Rajnit Bouri	Satya Bouri
136	Arjun Bouri	Rahani Bouri
137	Santi Bouri	Sudhir Bouri

**Annexure-II**

Sl.No.	Name	Father's Name
1	Smt. Sahri Devi	Dharam Singh
2	Guhiram Mahata	Shreedhar Rahata
3	Mongli Devi	Nimti Sahis
4	Akli Bouri	Gujari Bouri
5	Santosh Mahata	Ishwari Mahata
6	Sadhanlal Mahata	Bhikhu Mahata
7	Mahadeo Bouri	Bipan Bouri
8	Hitu Manjhi	Ashu Manjhi
9	Santosh Bouri	Santosh Bouri
10	Madhusudan Bouri	Mahabir Bouri
11	Swapan Bouri	Sasti Bouri
12	Manik Bouri	Shankar Puri
13	Paresh Bouri	Shankar Puri
14.	Madhob Bouri	Palati Bouri
15	Anil Chandra Bouri	Hari Bouri
16	Yamuna Bouri	Hari Houri
17	Lalta Bouri	Hari Houri
18	Dilip Bouri	Guhiram Bouri

19	Mihir Mahata	Dasarath Mahata
20	Nabu Deshwali	Dhiren Deshwali
21	Amal Deshwali	Radhakant Deshwali
22	Kisan Bouri	Tanu Bouri
23	Tarapada Bouri	Bideshi Bouri
24	Sristidhar Bouri	Murli Rouri
25	Santosh Bouri	Bhusan bouri
26	Kalidasi Bouri	Dhiren Bouri
27	Kartik Bouri	Radha Bouri
28	Dharam Bouri	Chait Bouri
29	Dhaltu Mia	Sarf Mia
30	Chadu Bouri	Saruf Mia
31	Thakur Mahata	Rishi Mahata
32	Sonaram Deshwali	Badya Deshwali
33	Nepal Rajwar	Rajaram Rajwar
34	Gopal Bouri	Dukhu Bouri
35	Hiralal Mahato	Dukhu Bouri
36	Lagen Bouri	Biru Bouri
37	Bijoy Bouri	Yoti Bouri
38	Chabi Bouri	Basudeo Bouri
39	Basudeo Bouri	Jalan Bouri
40	Santosh Bouri	Gokul Bouri
41	Kanja Bouri	Askar Bouri
42	Niranjan Bouri	Monzal Bouri
43	Naresh Bouri	Gopal Bouri
44	Fatik Bouri	Bikash Bouri
45	Binti Devi	Khudiram Bouri
46	Bhim Manjhi	Gujar Manjhi
47	Subhas Bouri	Prabhakar Bouri
48	Rameshwar Bouri	Bilash Bouri
49	Suyagan Bouri	Mansud Bouri

**Annexure-III**

Sl.No.	Name	Father's Name
1	Dasrath Bouri	Bhikhu Bouri
2	Nirmal Manjhi	Mathur Manjhi
3	Lugu Mudi	Biru Mudi
4	Brinda Bouri	Biru Mudi
5	Lachmen Mudi	Jugal Bouri
6	Mantu Rajwar	Bidshi Mudi
7	Ranjan Bouri	Panu Bouri
8	Tulu Bourin	Arjun Bouri

9	Nepura Bouri	Rama Bouri
10	Amulya Gope	Shankar Gope
11	Rampada Rajwar	Charu Rajwar
12	Khagen Rajwar	Mantu Rajwar
13	Kashi Rajwar	Bistu Rajwar
14	Achala Rajawarin	Santosh Rajwar
15	Neta Bouri	Jugal Bouri
16	Neta Bouri	Medhu Bouri
17	Dhani Mudi	Lachman Mudi
18	Santi Rai	Bhuban Rai
19	Balram Bouri	Cobardhan Bouri
20	Paraan Mudi	Mahindra Mudi
21	Panu Bouri	Gulam Bouri
22	Dibakar Mudi	Kashi Muidi
23	Mahabir Gope	Santi Gope
24	Buchu sekih	Abdul Major
25	Shakti Rajwar	Jagat Rajwar
26	Hakim Bauri	Ratan Bouri
27	Gopal Bouri	Rakhohri Bouri
28	Sarat Chandra Rai	Babulal Rai
29	Rajit Bouri	Srikant Bouri
30	Kali Dan	Bharat Dom
31	Arun Bouri	Amulya Bouri
32	Atika Bourin	Manmul Bouri
33	Swapna Bourin	Deshi Bouri
34	Ghaltu Bouri	Kharu Bouri
35	Santi Rajwarin	Kuju Rajwar
36	Piru Ansari	Jalaluddin Ansari
37	Alauddin Anaari	Jalaluddin Ansari
38	Gopal Rajwar	Dild ohemmand Ansari
39	Lalu Rajwar	Bona Rajwar
40	Haru Rajwar	Jitu Rajwar
41	Bharat Gope	Dhanu Gope
42	Faglu Rajwar	Charu Rajwar
43	Santi Bourin	Rhunja Bouri
44	Chuniram Mudi	Bhartu Mudi
45	Lakhikant Gunia	Kalipada Gunia
46	Barku Manijhi	Ram Hanjhi
47	Giddu Sahish	Baidnath Sahish
48	Sishu Sahish	Giddu Sahish
49	Dilip Gope	Rabi Gope
50	Munu Modi	Palu Mudi

51	Ashok Bouri	Barekrishna Bouri
52	Digam Bouri	Rashu Bouri
53	Mepura Bourin	Raju Bouri
54	Geeta Bourin	Bhabani Bouri
55	Ambuj Bouri	Dukhu Bouri
56	Haru Bouri	Biatsu Bouri
57	Mohar Dom	Hari Dom
58	Bittu Rai	Gambhir Rai
59	Bam Rajwar	Bhukhal Rajwar
60	Bibhuit Gope	Maheshwar Gope
61	Wakil Bouri	Ratan Bouri
62	Kartik Rajwar	Palu Rajwar
63	Salim Ansari	Bihari Bouri
64	Saru Bouri	Bihari Bouri
65	Samli Bourin	Palton Bouri
66	Sanju Bouri	Palton Bouri
67	Ramu Bouri	Hara Bouri
68	Arjun Rai	Rabi Ray
69	Radhi Rajwarin	Amul Rajwar
70	Phubeshwar Gope	Lochan Gope
71	Basanti Bourin	Taru Bouri
72	Bilashi Rajwarin	Hiralal Rajwar
73	Baldeo Rajak	Gobardhan Rajak
74	Gitu Rajak	Gobardhan Rajak
75	Ajit Bouri	Aklu Rajak
76	Mantu Bouri	Panchu Ansari
77	Dhiren Bouri	Tarini Bouri
78	Machu Bouri	Kistodhar Bouri
79	Sani Bourin	Dukhan Bouri
80	Raj Kumar Gope`	Shankar Gope
81	Bijoy Bouri	Lalchand Bouri
82	Atul Bouri	Babul Bouri
83	Dhanu Bouri	Jatal Bouri
84	Fuchi Bourin	Dasrath Bouri
85	Rajash Gope	Shankar Gope
86	Mahabir Rajak	Rabi Rajak
87	Poltan Bouri	Radhu Bouri
88	Arati Bourin	Bijoy Bijoy Bouri
89	Raju Bouri	Fani Bouri
90	Bharu Bouri	Bihari Bouri
91	Hirala Rajwar	Gangdhar Rajwar
92	Ganu Bouri	Yamuna Bouri

93	Durga Bouri	Jatal Bouri
94	Manpuran Bouri	Bipin Bouri
95	Balika Mudi	Dibakar Mudi
96	Bhim Mudi	Kali Mudi
97	Bhairo Bouri	Ratan Bouri
98	Gunadhar Modi	Dibakar Mudi
99	Anil Bouri	Atula Bouri
100	Durgacharan Bouri	Nakul Bouri
101	Manic Bouri	Indu Bouri
102	Molinda Bouri	Medho Bouri
103	Haradhan Rajwar	Alku Rajwar
104	Dibakar Bouri	Nakul Bouri
105	Bhagirath Bouri	Indu Bouri
106	Riranjana Rajwar	Bhim Rajwar
107	Shakitipada Rajwar	Falhari Rajwar

2. This Case is received from the Ministry on 30.05.1995. After receipt of the reference, both parties are noticed. During the pendency of the case Ld. secretary of the sponsoring Union submits that union/workman is not interested to contest the case.

3. It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.141.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 57/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.01.2018 को प्राप्त हुआ था।

[सं. एल-20012/408/1999-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 22nd January, 2018

**S.O.141.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 57 of 2000) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.01.2018.

[No. L-20012/408/1999-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

**Reference No. 57 of 2000**

Employer in relation to the management of Block II Area of M/s. BCCL

**AND**

Their workman

**Compt. Case No. 5/2000**

(Arising Out of Ref. 57/2000)

Nakul Mahato S/O Gandori Mahato

Puma Operator workinf as Munshi

JOCB Block –II Area M/s BCCL .....Complainant

Vs

Project Officer

JOCB Block –II Area M/s BCCL .....Opp. Party

**Present :** Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated- 26.12.2017

**AWARD**

By order No. L-20012 /408/1999-IR(C-I) dated 21/01/2000, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of M/s BCCL Block II Area in not regularising to Sri Nakul Mahato in the post of Munshi is justified? If not, to what relief the concerned workman is entitled from what dates?”**

2. After receipt of the reference , both parties are noticed. But after appearance of workman for certain dates, the workman did not attend, though management is remaining present. Case remain pending since long along with the complaint petition. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed in respect to reference and Complaint. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.142.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 87/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.01.2018 को प्राप्त हुआ था।

[सं. एल-20012/291/1994-आईआर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 22nd January, 2018

**S.O.142.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 87 of 1995) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.01.2018.

[No. L-20012/291/1994-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

**Reference No. 87 of 1995**



Employers in relation to the management of Block II Area of M/s. BCCL

**AND**

Their workman

**Present :** Shri R. K. Saran, Presiding Officer**Appearances:**

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri D. Mukherjee, Rep.

State : Jharkhand

Industry : Coal

Dated- 18.12.2017

**AWARD**

By order No. L- 20012 /291/1994 /IR (C-1) dated 21.07.1995, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub – section ( 1) and sub–section ( 2A) of section 10 of the Industrial Disputes Act , 1947 referred the following dispute for adjudication to this Tribunal :

**SCHEDULE**

**“Whether the demand of the Bihar Colliery Kamgar Union, Dhanbad for regularization of the services of Shri Karma Mahato and 133 others (as per annexure enclosed) by the management of Block II Area of M/s BCCL is justified? If so, to what relief are the concerned workmen entitled?”**

**Annexure****List of workmen**

- |                     |                     |                           |
|---------------------|---------------------|---------------------------|
| 1. Lilia Devi       | 2. Jhilia Devi      | 3. Meghni Devi            |
| 4. Basanti Devi     | 5. Kamla Devi       | 6. Kalawati Devi          |
| 7. Chandri Devi     | 8. Somri Devi       | 9. Sugiya Devi            |
| 10. Dulali Devi     | 11. Gushri Devi     | 12. Manwa Devi            |
| 13. Shanti Devi     | 14. Rampati Devi    | 15. Yasoda Devi           |
| 16. Menwa Devi      | 17. Champa Devi     | 18. Rukmani               |
| 19. Gulabi Devi     | 20. Naroti Devi     | 21. Parbati Devi          |
| 22. Sunita Devi     | 23. Lalita Devi     | 24. Kalpana Devi          |
| 25. Fulia Devi      | 26. Fulmani Devi    | 27. Alpomani Devi         |
| 28. Kaima Devi      | 29. Manoj Pandey    | 30. Chandrashekher Mahato |
| 31. Pramod Pandey   | 32. Jiwadhan Mahto  | 33. Rabilal Mahto         |
| 34. Krishna Saw     | 35. Kishun Mahto    | 36. Bishnu Mahto          |
| 37. Aghnu Mahto     | 38. Suresh Paswan   | 39. Lato Rabidas          |
| 40. Naresh Mahto    | 41. Nakul Rabidas   | 42. Ganga Ram Mahto       |
| 43. Raja Ram Paswan | 44. Hari Thakur     | 45. Narayan Beldar        |
| 46. Furan Beldar    | 47. Amit Rewani     | 48. Hemlal Mahto          |
| 49. Santosh Bouri   | 50. Bhol Nath Jha   | 51. Jagjiwan Paswan       |
| 52. Ramdas Rabidas  | 53. Birendra Rewani | 54. Shibram Bouri         |
| 55. Dhiran Saw      | 56. Sishupal Gope   | 57. Tulshi Rabi Das       |
| 58. Kailash Paswan  | 59. Hitram Mahto    | 60. Mala Mukherjee        |

61. Gokul Gope	62. Bishunu Bhuia	63. Dashrath Mahato
64. Anil Pandey	65. Chetlal Rabidas	66. Shankar Rabidas
67. Radheshyam Dey	68. Gangu Das	69. Sarju Mohli
70. Lochan Rabidas	71. Kailash Mahto	72. Munarik Rabidas
73. Nageshwar Rabidas	74. Anand Thakur	75. Shakti Rewani
76. Tarachand Mahato	77. Rajkumar Rabidas	78. Mahadeo Mahato
79. Sibul Gope	80. Sanatan Mahato	81. Bhuneshwar Rewani
82. Rajendra Pd. Rewani	83. Birju Rewani	84. Amerdeep Rewani
85. Herdish Rewani	86. Bal Mitra Ram	87. Mohan Das
88. Somar Bhuia	89. Jay Nath Mahto	90. Sashi Bhushan Lala
91. Karan Mahato	92. Binod Mahato	93. Bhukhal Mahato
94. Kanik Mahato	95. Tapan Bouri	96. S.K. Rajak
97. Subodh Gope	98. Prashadi Mahato	99. Manoj Kr. Rajwar
100. Shiv Charan Beldar	101. Jitendra Ch. Dey	102. Bali Chouhan
103. Dilip Chouhan	104. Moujilal Mahato	105. Bhikh Bhuia
106. Manoj Das	107. Bineshwar Paswan	108. Shibu Thakur
109. Kalu Ram Sao	110. Prabhu Lal Sao	111. Kailash Mahato
112. Lakhi Dhobi	113. Sanjay Kr. Sao	114. Budhu Dhobi
115. Moti Rewani	116. Rakesh Rewani	117. Kishore Bishwakarma
118. Dhoba Rabidas	119. Hemlal Rabidas	120. Aklu Mahato
121. Uday Pd. Mahato	122. Dukhan Gope	123. Dhanik Lal Rajak
124. Amullay Rajak	125. Kala Chand Manjhi	126. Bishundeo Rabidas
127. Gobardhan Rabidas	128. Tej Narayan Mahato	129. Dwarika Mahato
130. Gokul Bouri	131. Suresh Gope	132. Gita Mahato
133. Bhagirath Mahato	134. Dashrath Pandey	

2. The case is received from Ministry of Labour on 28.07.1995. The Sponsoring Union files their written statement on 25.08.1995, and the management files their written statement on 29.01.1996. Thereafter rejoinder and document filed by the parties. One witness from each side examined on their behalf. Documents of the management marked as M-1 to M-7 and documents of workman marked as W-1 series.

3. The case of the Sponsoring Union is that Shri Karma Mahato and other concerned workmen have been working at Kessergarha siding since long in permanent nature of job within the premises of the mines under the direct control and supervision of the management. The concerned workmen have been performing the job of shale picking, lump coal breaking, line cleaning and removal of stones etc.

4. It is further submitted by the union that the coal raised from Jamunia and nudkhurkee collieries are also transported to kessergarha siding for loading into wagons and for performing the same and similar nature of job other workmen of M/S BCCL and other coal companies are getting category-I wages.

5. The management has implemented the wage Board recommendation and the same has got statutory force, and as per wage Board recommendation the concerned workmen are entitled for at least category-I wages.

6. It is further submitted by the union that the concerned workmen are rendering services and producing goods for the benefits of the management but the management has been disbursing their wages in the name of intermediaries

only to create a smoke screen and the entire system is a camouflaging system. The management have made perfect paper arrangements to conceal the real facts and to call them as the employees of intermediaries. The entire alleged intermediary system is not genuine and it is only a sham.

7. The union also submitted that the action of the management in not regularizing the concerned workmen and not paying them at least category-I wages are illegal, unjustified and against the principle of natural justice but the action of the management is discriminatory in nature and denied of equal pay for equal work.

8. The concerned workmen and the Sponsoring Union on behalf of the concerned workmen represented before the management several times for their regularization and at least payment of category –I wages in view of several decisions of Hon'ble Supreme Court but without any effect. However the Union on behalf of the workmen raised an Industrial dispute before the Asstt. Labour commissioner (C), Dhanbad but the same ended in failure. However the plea of the management that the concerned workmen may have been engaged through different alleged transport contractor, and the union vehemently challenged the contention of the management and directed the management to prove the same but the management failed to prove the same and the conciliation proceeding ended in failure, hence the reference arose.

9. On the other hand the case of the management is that the demand of regularization of Shri Karma Mahato and other alleging that they were working at Keshergarh siding on the job of shale picking and lump coal breaking under the direct control and supervision of the management although they were paid through intermediaries by adopting some legal camouflage.

10. It is further submitted by the management that the list of workmen contained few contractor workers, who worked on some occasion or other under the transport contractor and the rest of the persons are all job seekers, who combined together for keeping themselves recorded with the help of litigation. The sponsoring union cited the Supreme Court ruling reported in 1978 LAB IC 1264 and others are relating to absorption of contractor workers on the roll of the principal employer under certain facts and circumstances before coming into force of the contract Labour Act 1970. Thus the sponsoring union has made out the present case of some contract workers, including with them large number of job seekers who intend to get employment under the public sector under taking with the help of litigation.

11. It is also submitted that the management allotted contract works to transport contractor from time to time for transporting coal from the colliery depot to the railway siding and loading the same into wagons. The transport contractor deployed pay loader for loading coal into dumpers which transported the coal and mechanically unload at the kesergarh railway siding.

12. It is further submitted by the management that the management is not engaging manual Labour on the jobs of loading coal, unloading coal or in any other job which comes within the prohibited category as per provision of section 10 of the contract labour Act. 1970.

13. It is also submitted that the lump coal coming out from the mine pass through feeder breakers and the lump coal is prepared into proper size mechanically through the feeder breaker is loaded thereafter into the dumper by pay loader of the contractor and the same is transported to the kesergarha Railway siding. Therefore there is no question of any lump coal being broken at the railway siding by engaging any manual labour or by any contractor. The coal is processed at the colliery siding where shale pickers are engaged to pick out shale and stone from the dump and the coal with proper quality is transported to the railway siding for loading into wagon, therefore there is no requirement of engaging shale pickers by the contractor.

14. The management also submitted that for maintenance of high quality of coal to certain kinds of consumer, the contractor is required to ensure loading of coal, free from stone and shale and in that connection the contractor engages few persons as and when required for the purpose of picking shale and stone in the process of loading, if the same remains undetected at the colliery depot and were transported along with coal through the dumper of the contractor. As such jobs are casual in nature and maintenance of quality has been the responsibility of the contractor some of the concerned persons might have worked as shale pickers on casual basis as and when required under him. It is absurd to suggest that such a large number of workmen would be deployed on the job of shale picking by contractor.

15. It is submitted that as the concerned persons were never the workmen of the management, they were not selected or recruited by the management and they were not issued appointment letter and identity card and pay slips to enable them to draw wages from the management, thus they were never engaged on the roll of the management at any time even as a casual worker. But some of the persons appearing in the list annexed to the schedule of reference had worked as contractor workers under the transport contractor and they cannot demand for their regularization under the management.

16. The aforesaid case is filed to issue direction to regularize the workmen in the BCCL or not. the case of the

union is that they are working for shale picker, lump coal breaking, line cleaning and removal of stones since long at keshargarha siding, it is permanent nature of job within the premises of the mines under the direct control and supervision of the management.

17. The MW-1 Benedict Xalxo, sr. manager personnel, says in his cross-examination that there is no shale picker designation in keshargarha railway siding. Shale picker are Category-1 workmen. We used blasting to get coal. Coal are mixed with stone "Jhama" etc. we are selling only coal to parties by feeder breaker, big coal pieces are brought to size.

18. The WW-1 Smt Shanti Devi says in his cross-examination, that I have no appointment letter but I can file the letter of Narula Saheb an officer of BCCL. We are getting wages from BCCL.

19. On perusal of the record that out of 134 workmen, 28 workmen were died during the pendency of the reference case whereas 67 workmen are alive and his names are filed on behalf of the sponsoring union. It means 106 are alive but rest names are not filed by the sponsoring union who are alive or dead, no comment filed by the sponsoring union.

20. 22 workmen out of 106, who are filed pass book of CMPF which is marked as W-1 Series, on perusal of pass book of CMPF it is noticed that Account number address and deduction is mentioned on it. It is also noticed that the pass Book issued by project manager, Block II Area who has signed and stamped on it, and photograph is also pasted on it, They filed the photo copy and original which is compared and original returned to each of the workmen.

21. Witness of management, being sr. manager personal, stated in his cross-examination that "It is a facts that shale picker work done by contractor by his labourers, contractors are engage by us but I do not know personally the concerned workmen or their work.

22. It admitted by the management in his written statement that for maintenance of high quality of coal to certain kinds of consumer, the contractor is required to ensure loading of coal, free from stone and shale and in that connection the contractor engages few persons, but some of the persons appearing in the list annexed to the schedule of reference had worked as contractor workers under the transport contractor.

23. It is also admitted by the management that coal is processed at the colliery siding where shale pickers are engaged to pick out shale and stone from the dump and the coal with proper quality is transported to the railway siding for loading into wagon.

24. On perusal of the documents of workmen, there are many I.D Card and pay slip have been filed, in pay slip in which it is mention that "main employer BCCL Block II Area (G.M)".

25. The evidence of the management is very much material while perusing the evidence of MW-1, is being senior manager personal who said that workmen engaged through contractor for shale picking job, it is also admitted in his written statement. There are many identity card filed in this case was signed by the management officer, though it was issued by contractor. It is clear-cut camouflage. While perusing the whole record, following 22 nos. workmen have I.D card and pass Book of CMPF whose name is given below:

- |                       |                            |                    |
|-----------------------|----------------------------|--------------------|
| 1. Lato Ravi Das      | 2. Sapan Bouri             | 3. Narayan Beldar  |
| 4. Bhuneshwar Rewani, | 5. Kalawati Devi           | 6. Shiv Ram Bouri  |
| 7. Mainwa Devi        | 8. Sunita Devi             | 9. Lalita Devi     |
| 10. Bishtu Bhuia      | 11. Kamla Devi             | 12. Gokul Bouri    |
| 13. Kishori Mistry    | 14. Prasadi Mahato         | 15. Shanti Devi    |
| 16. Somri Devi        | 17. Aghanu Mahato          | 18. Bhukhal Mahato |
| 19. Dilip Chouhan     | 20. Chandra Shekher Mahato | 21. Hari Thakur    |
| 22. Bishundeo Rabidas |                            |                    |

26. On perusal of pass Book of CMPF, it is issued and signed by project manager Block II Area, M/s. BCCL and the photograph is also tally with the list of workmen filed by the workmen previously long time ago. Hence it is felt that the shale picking job is look like regular nature of job and also felt that they were working continuously 240 days in a year.

27. As per order of Supreme court (L&S) 451 Sudarshan Rajpoot vs Utter Pradesh State Road Transport Corporation in Civil Appeal Nos. 10355-54 of 2014 decided on 18 Nov. 2014 some portion is quoted below :-

**“Industrial Dispute Act, 1947 S-2 (ra) r/w Ss25 T, S, 25 U and sch-V Item 10 -Prohibition from engaging workman as badlis, casual or temporary to work on permanent basis – service of appellant workmen who was continuously working for more than 3 years and had rendered more than 240 days of service in calendar year terminated without notice- Held extracting work of permanent nature continuously for more than three years on contract basis is statutorily prohibited and hence impermissible – same amount to unfair Labour practice and is punishable.”**

28. Considering the facts and circumstance of this case, I hold that the aforesaid 22 workmen at para 25 whose CMPF is deducted are genuine workmen, therefore the above named 22 workmen are to be regularized as workmen under the management after proper verification of the name from schedule of reference within 30 days of publication of the award and other rest workmen whose name mention in the schedule of reference are not entitled to get any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.143.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी. सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 91/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.01.2018 को प्राप्त हुआ था।

[सं. एल-20012/695/1997-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 22nd January, 2018

**S.O.143.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 91 of 1998) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.01.2018.

[No. L-20012/695/1997-IR (C-I)]

M. K. SINGH, Section Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

**Reference No. 91/1995**

Employer in relation to the management of C.V. Area of M/s. BCCL

**AND**

Their workman

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated- 21.12.2017

**AWARD**

By order No. L-20012 /695/1997-IR(C-I) dated 10.09.1998, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the action of the management of Laikdih Deep Colliery under C.V. Area of BCCL in dismissing Sri Shastry Roy from the service of the company is legal & justified? If not to what relief is the workman entitled?”**

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.144.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 171/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-20012/95/1999-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 22nd January, 2018

**S.O.144.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 171 of 1999) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 19.01.2018.

[No. L-20012/95/1999-IR (C-I)]

M. K. SINGH, Section Officer

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

**Reference No. 171/1999**

Employer in relation to the management of Sounda Colliery of M/s. CCL

**AND**

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer

**Appearances:**

For the Employers : Shri D.K. Verma, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated- 26.12.2017

**AWARD**

By order No. L-20012/95/1999-IR(C-I) dated 14.10.1999, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the demand of the union for regularisation of 12 concerned workmen in the time rated job as per enclosed list with retrospective effect is justified? If so, to what relief the concerned workmen are entitled?”**

**Annexure****List of workmen**

Sl.No.	Name	Present Desig.	working as	Date of diversion to T.R. Job
1.	Shri Daroga Thakur	P.R	Driver	20.03.90
2.	Sri Juglal Munda	P.R	Driver	20.03.90
3.	Sri Chamar Munda	P.R	Trammer	26.12.94
4.	Sri Rajdeo Singh	P.R	Trammer	26.12.94
5.	Sri Binod Kumar	P.R	Shot fire Hel.	12.05.96
6.	Sri Mudula Bedia	P.R	-do-	12.05.96
7.	Sri Pakhan Lal Karmali	P.R	Trammer	10.11.95
8.	Sri Premdhan Ekka	P.R	-do-	-do-
9.	Sri Sewalal Munda	P.R	Haulage Khalasi	21.12.93
10.	Sri Mahabir	P.R	Motor Mechanic	20.05.93
11.	Sri Maheshwar Ram	P.R	Stowing Mazdoor	01.03.95
12.	Sri Ketwaru Mochi	P.R	Trammer	02.03.95
13.	Sri Jitan Mia	P.R	Expl. Carrier	06.04.95

2. After receipt of the reference, both parties are noticed. But appearing for certain dates by the sponsoring Union/workman, none appears subsequently. Management is present. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.145.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महानिदेशक, भारतीय पुरातत्व सर्वेक्षण, नई दिल्ली और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 12/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15.01.2018 को प्राप्त हुआ था।

[सं. एल-42012/03/2016-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.145.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Director General, Archeological Survey of India, New Delhi & others and their workman, which was received by the Central Government on 15.01.2018.

[No. L-42012/03/2016-IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE****BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT/LOK ADALAT, KANPUR****Industrial Dispute No. 12 of 2016****Between :**

Shri Man Singh S/o Bhagwan Singh,  
Mangla Vihar, Dahraura,  
Agra (U.P.) - 282007

**Versus**

1. The Director General,  
Archeological Survey of India,  
Janpath,  
New Delhi- 110011
2. The Superintending Archeologist,  
Archeological Survey of India,  
Agra Circle, 22, Mall Road,  
Agra (U.P.) -282001

**AWARD**

1. Central Government, Mol, vide notification No.L-42012/03/2016-IR (DU) dated 15.02.2016, has referred the following dispute for adjudication to this tribunal.
2. Whether the action of the management of Archaeological Survey of India, Agra in terminating the services of Shri Man Singh S/o Shri Bhagwan Singh workman with effect from 01.04.2013 is just fair & legal? If not, to what relief the workman concerned is entitled to?
3. In the instant case a reference was referred to Central Government Industrial Tribunal cum Labor Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case.
4. Worker has filed his claim statement with the facts that he was working as casual labour with management from 1-06-2006 to 31-03-13 continuously and has worked for more than 240 days in every calendar year but he was retrenched and his services was terminated without giving any notice on 01-04-2013 and management has not complied with the provision of 25(F) of I.D ACT. It is also alleged that his attendance was taken on muster role and sometimes his wages were paid through vouchers in different names.
5. Management has filed w/s denying the facts alleged in claim statement. It is also alleged that worker has not worked continuously for more than 240 days and has also not worked during the period as alleged in claim statement and his services was never terminated by management. It is also alleged that there is no relationship of employee and employer between the parties and therefore worker is not entitled to any relief.
6. Worker has not filed any rejoinder.
7. Parties have not filed any oral or documentary evidence. It is initial burden of worker to prove that he has worked for more than 240 days continuously preceding alleged termination. Worker has also not filed any voucher nor examined himself. Therefore worker has utterly failed to prove his case for want of oral and documentary evidence as such worker is not entitled to any relief.
8. The reference is answered against worker and it is held that worker has failed to prove his case for want of oral and documentary evidence and he is not entitled to any relief.
9. Award is passed accordingly against worker.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.146.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महानिदेशक, भारतीय पुरातत्व सर्वेक्षण, नई दिल्ली और अन्य एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध



में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 13/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15.01.2018 को प्राप्त हुआ था।

[सं. एल-42012/04/2016-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.146.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2016) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Director General, Archeological Survey of India, New Delhi & others and their workman, which was received by the Central Government on 15.01.2018.

[No. L-42012/04/2016-IR (DU)]

D. K. HIMANSHU, Under Secy.

### ANNEXURE

#### BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT/LOK ADALAT, KANPUR

#### Industrial Dispute No. 13 of 2016

#### Between :

Shri Dharmendra Singh S/o Shri Badan Singh,  
Village- Chamrauli, Po- Pratap pura,  
Shamshabad Road,  
AGRA (U.P.)-282001

#### Versus

1. The Director General,  
Archeological Survey of India,  
Janpath,  
New Delhi- 110011
2. The Superintending Archeologist,  
Archeological Survey of India,  
Agra Circle, 22, Mall Road,  
Agra(U.P.) -282001

### AWARD

1. Central Government, Mol, vide notification No.L-42012/04/2016-IR (DU) dated 15.02.2016 has referred the following dispute for adjudication to this tribunal.
2. Whether the action of the management of Archaeological Survey of India, Agra in terminating the services of Shri Dharmendra Singh S/o Shri Badan Singh workman with effect from 01.09.2013 is just fair & legal? If not, to what relief the workman concerned is entitled to?
3. In the instant case a reference was referred to Central Government Industrial Tribunal cum Labor Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case.
4. Worker has filed his claim statement with the facts that he was working as casual labor with management from 1-11-2008 to 31-08-13 continuously and has worked for more than 240 days in every calendar year but he was retrenched and his services was terminated without giving any notice on 01-09-2013 and management has not complied with the provision of 25(F) of I.D ACT. It is also alleged that his attendance was taken on muster role and sometimes his wages were paid through vouchers in different names.
5. Management has filed w/s denying the facts alleged in claim statement. It is also alleged that worker has not worked continuously for more than 240 days and has also not worked during the period as alleged in claim statement and his services was never terminated by management. It is also alleged that there is no relationship of employee and employer between the parties and therefore worker is not entitled to any relief.

6. Worker has not filed any rejoinder.
7. Parties have not filed any oral or documentary evidence. It is initial burden of worker to prove that he has worked for more than 240 days continuously preceding alleged termination. Worker has also not filed any voucher nor examined himself. Therefore worker is utterly failed to prove his case for want of oral and documentary evidence as such worker is not entitled to any relief.
8. The reference is answered against worker and it is held that worker has failed to prove his case for want of oral and documentary evidence and he is not entitled to any relief.
9. Award is passed accordingly against worker.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.147.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बोकारो इस्पात संयंत्र, सेल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, धनबाद के पंचाट (संदर्भ संख्या 50/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-43011/09/2011-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.147.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2011) of the Central Government Industrial Tribunal/Labour Court-1, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bokaro Steel Plant, SAIL and their workman, which was received by the Central Government on 19.01.2018.

[No. L-43011/09/2011-IR (M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act, 1947

#### Reference No. 50/2011

Employers in relation to the management of Bokaro Steel Plant, SAIL

#### AND

Their workmen

**Present :** Shri R. K. Saran, Presiding Officer

#### Appearances:

For the Employers : Shri D. Mukherjee, Advocate

For the workman : Shri K.K.Mishra, Advocate

Industry : Steel

Dated- 26/12/2017

#### AWARD

By order No. L- 43011 /09/2011 /IR (M) dated 04/11/2011, the Central Government in the Ministry of Labour has in exercise of the power conferred by clause (d) of sub – section ( 1) and sub – section ( 2A) of section 10 of the Industrial Disputes Act , 1947 referred the following dispute for adjudication to this Tribunal :

#### SCHEDULE

**“Whether the contract workers as per list enclosed should be regularized phase wise by the management of Bokaro Steel Plant SAIL? If not, to what relief the concerned workers are entitled and**

(2) whether the demand of contract workers that till they are regularized they should received equal wages and facilities as available to the regular employee of Bokaro Steel Plant SAIL is justified? If so, to what relief the concerned workers are entitled?"

**ANNEXURE**

**List of workmen**

**1. HOT STRIP MILL, BOKARO STEEL PLANT**

SL. No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Raghu Nath Singh	Late Bachan Singh	Vill-Kheria, P.O.Nachap Distt. Baxur, Bhojpur, Bihar	002808
2.	Antu Ram	Late Koday Ram	Vill- Bankatia, P.O- Lalatghat .Distt- Ajamgarh,U.P.	002650
3.	Ram Jiwan Lal	Sri Phulchand Lal	Vill-Bhujahi, P.O.Sasarwa Distt. Mau, U.P.	002709
4.	Saudagar Mahto	Ramdhari Mahto	Vill+ P.O Pur Rand, Via –Alang Ganj, Distt.- Jamui, Bihar	002775
5.	Anil Kumar Sharma	Late Baidh Nath Singh	Vill-Surauna, P.O.Surauna,Thana-Shiyakarganj,Via-Dhaka Distt. Motihari, Champaran, Bihar	072851
6.	Ram Suner Ram	Late Chhotu Ram	Vill-Kurwa, P.O.Sagari Tahsil,Thana-Jiwanpur, Distt. Ajamgarh, U.P.	072851
7.	Ghasi Sahu	Sri Rameshwar Sahu	Vill-Madhuwan, P.O.Patiya,Thana-Gumla, Distt. Gumla, Jharkhand	002816
8.	Harendra Singh	Late Koday Ram	Vill-Karampur, P.O.Nawanagar Bazar , Via-Bidupur,Distt. Baishali,Bihar	018613
9.	Chandeo Mahto	Sri Dhanai Mahto	Vill- Dhanbata, P.O. Askundipur, Vaya-Maharajganj ,Distt-Siwan	017998
10.	Mohan Sahu	Sri Agar Sahu	Vill- Kumharia, P.O. Kuranda ,Distt-Gumla, Jharkhand	017980
11.	Dharm Das Minz	Sri Prabhu Charan ,Minz	Vill- Kinkel, P.O. Dumri Toli ,Distt-Simdega, Jharkhand	002717
12.	Jaru Kauya		Vill- Ghaghrap, Belagali, P.O. Garjora,Thana-Futi ,Distt-Ranchi Jharkhand	002759
13.	Jaleshwar Prasad Chaurasia	Sri Matar Chaurasia	Vill- Jagatpur Pakri, P.O. krinagarh ,Thana-Barhara Distt-Bhojpur Bihar	002692
14.	Komti Devi	W/o Sri Manohar Balmuchu	Vill- Gurha, P.O. Nawagao Thana-Jhippani,Distt-West Singhbhum	018061
15.	Munia Devi	W/o Sri Ram Mohan Oraon	Vill- Jhalmundi, P.O. Masmani Thana-Bhandra Distt-Lohardaga Jharkhand	002890
16.	Sona Devi	W/o Sri Birbal Kujur	Vill-+ P.o-Usra Colony, Vaya-Kaswari,Distt-Sundargarh,Orissa	002949
17.	Guruwari Devi		Vill- Bhalujorri, P.O. Loha,Sira, Thana-Sairampur,Distt-Mayurbhanj	002965
18.	Ramia Devi	W/o Raju Barua	Vill- Ghaghra,Belgali, P.O. Jarjora Thana- Puti , Distt-Ranchi,Jharkhand	002882
19.	Chandu Devi		Vill- Churitola, P.O. Kanke Thana-Kanke ,Distt-Ranchi, Jharkhand	018029

20.	Hiramuni Devi	S/o -Sarna Soren/ Kastar Soren	Vill- Murgahutu, P.O. Tawarwan PS- Rairampur ,Distt-Bawanhati Orissa	002923
21.	Sarmi Devi	W/O Takra Kittti	Vill-+ P.O Kokcho, Thana- Manjari Jharkhand	002840
22.	Arsu Devi	W/O Sri Durga Howerash	Vill- Kilajhari, P.O. Rairampur, Thana- Rairampur , Jharkhand	002915
23.	Fulguni Devi	Baidu Marandi	Vill- Barudago, P.O. Chaibasa ,Distt- Chaiwasa, Jharkhand	002907
24.	Niru Devi	W/O Faguram Hansda	Vill- Pilka, P.O Pilka Thana- Manjhari ,Distt-Singhbhum, Jharkhand	018037
25.	Budhani Devi	W/O Gopal Ram	Vill- Harigandha, P.O. Kara, Thana- Loghma , Distt-Ranchi, Jharkhand	018057
26.	Jewa Tudu	W/O Durga Tudu	Vill- Mayurdarh, P.O. Kundasar, Thana- Badam Pahar ,Distt-Kashi, Jharkhand	018011
27.	Rusen Devi	W/O Surakh Ram Oraon	Vill- Seramdan, P.O. Aadar Thana- Ghaghara,Distt-Gumla, Jharkhand	01045

## 2. SLAB YARD, BOKARO STEEL PLANT

Sl. No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Manoj Kumar Singh	Sri Jugal Kishor Singh	Vill-Bhajauna, P.O. Nachap, Thana-Manjhi, Distt. Chhapra, Bihar	078932
2.	Satendra Rai	Late Ram Hoshiyar Rai	Vill-Khamhauri, P.O. Rajpur, P.S-Maharajganj Distt. Siwan, Bihar	089822
3.	Sanjay Kumar Sah	Sri Baliram Sah	Vill-+P.O.Gariwatola,Thana-Riwiganj, Distt. Chhapra, Bihar	048208
4.	Baliram Sharma	Late Ram Lakhan Singh	Vill-Kishurpur, P.O.Paigambarpur Thana-Kako, Distt., Jahanabad, Bihar	048187
5.	Rajkishor Singh	Late Ram Jatan Singh	Vill-Gagoe, P.O.Shamkodiya, Thana- Eshuyapur, Distt. Chhapra, Bihar	089856
6.	Kishur Sah	Sri Sahodar Saw	Vill-Alinagar Chainpur, P.O.Kala Dumra, Distt. Siwan,Bihar.	048216
7.	Sanjal Kumar Sarkar	Late R C Sarkar	Vill-Tilari,P.O.Badanganj, Distt. Hugli, West Bangal	053223
8.	Pramod Sharma	Late Banaras Singh	Vill-Jaikishun Bigha P.O.Jaitiyakurwa , Distt. Jahanabad,,Bihar	089830
9.	Jaleshwar Nath Tiwari	Sri Saheb Tiwari	Vill- +, P.O. Belhi Khas, Thana- Kataiya, Distt-Gopalganj,Bihar	089814
10.	Wakil Prasad	Dharmnath Prasad	Vill- Hasanpura Nayatola, P.O. Madhaura,Distt-Chhapra Bihar	024167

**3. HOT STRIP MILL,**

Sl. No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Lalmani Ram	Sri Chhotan Ram	Mango (Ram Tola), P.O- Tatri, Thana-Balidih, Distt. Bokaro, Jharkhand	JH/Rno/11443/584
2.	Rakesh Ranjan	Ramchandra Prasad	B.S.L., L.H., Stree-2, Qr.No.36, B.S.City, Bokaro, Jharkhand	JH/Rno/11443/576
3.	Mahadeo Kumar Mishra	Sharat Kumar Mishra	Sector-11 C, Qr.No.4027, B.S.City, Jharkhand	Jh/Rno/11443/579
4.	Pradeep Murmu	Kalicharan Murmu	Barudih, P O Balidih, Bokaro Steel City, Bokaro	Jh/Rno/11443/577
5.	Junesh Oraon	Jataru Oraon	Sector-1c, Kartik Nagar P.O. Ram Mandir, Thana-City Thana, Bokaro	Jh/Rno/11443/590
6.	Bimlesh Rabidas	Kartik Rabidas	Mango (Ram Tola) P.O.Tatri, Thana-Balidih, Distt. Bokaro, Jharkhand	Jh/Rno/11443/585
7.	Govind abidas	Liladhar Rabidas	-do-	Jh/Rno/11443/583
8.	Chhotu Rabidas	Jethu Rabidas	-do-	Jh/Rno/11443/581
9.	Birendra Singh	Budha Singh	Chaitatard, P.O. Baghmara, Thana- Harla, Bokaro, Jharkhand	Jh/Rno/11443/526
10.	Mangari Devi	Etawa Oraon	Sector-1c, Kartik Nagar, P.O. Ram Mandir, Thana-City Thana, Bokaro	Jh/Rno/11443/595
11.	Sumitra Devi	Charu Bala	Vill- Okawa, P.O. Mamarala, Thana-Sasiya, Distt-Bokaro	Jh/Rno/11443/594
12.	Ashish Kujur	Jorji Kujur	Ajad Nagar, Ranchi Tola, Siwandih, Thana-Marafari, Distt- Bokaro, Jharkhand	Jh/Rno/11443/
13.	Bikram Minj	Dharmdas Minj	Ajad Nagar, Ranchi Tola, Siwandih, Thana-Marafari, Distt- Bokaro, Jharkhand	Jh/Rno/11443/591
14.	Hiralal Das	Late Budhu Das	Mango (Ram Tola) P.O.Tatri, Thana-Balidih, Distt. Bokaro, Jharkhand	Jh/Rno/11443/
15.	Rajendra Ram	Meghu Ram	Mango (Ram Tola) P.O.Tatri, Thana-Balidih, Distt. Bokaro, Jharkhand	12108
16.	Badri Saw	Shivji Saw	Hanuman Mandir, Jhopri, Bokaro Steel City, Bokaro, Jhar	JH/Rno/11443/575
17.	Munna Lal Byas	Lakshman Mahto Byas	-do-	JH/Rno/11443/580
18.	Sudendra Prasad Verma			Working in re- heating furnesh
19.	Sudeshwar Prasad Verma	Late B P Verma	Dundibad Jhopri, Bokaro Steel city, Bokaro, Jharkhand	578

**4. DEPARTMENT- COKE OVEN (DOOR REPAIR), BOKARO STEEL PLANT**

SL. No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Salkhan Murmu	Late fagu Ram	Vill+P.O.Majhgaon, P.S-Bisue Distt Mayurbhanj	025644
2.	Laxman Murmu	Sri Dhanay Murmu	Vill+P.O.Karmariya, P.S. Badampahar Dist- Mayurbhanj , Orissa	025529
3.	Ganga Ram Mundaeya	Ladu Mundaeya	Vill-Lakinpus P.O. Bahampur Distt-Kayujhar	025579
4.	Kedar Singh	Sri Ram Lagan Singh	Vill- Tilhar P.O.Ekdanga Distt- Patna Bihar	025333
5.	Suresh Chandra Tirki	Late Daniyal Tirki	Vill Bugtel P.,O. Jari Distt- Gumla Jharkhand	025537
6.	Sid Kumar Singh	Sri Basudeo Singh	Vill –Thanas –Bind, Distt- Nalanda Bihar	025305
7.	Dhyaneshwar	Sri Kuar	Vill-Bhubhstar P.O. Manjhigaon Distt- Mayurbhanj	25652
8.	Narendra Pandey	Sri C S Pandey	Vill-Laxmipur Sahadpur P.O. Laxmipur Kalyanpur-Distt- Lakhisarai Bihar	025389
9.	Pramod Pandey	-do-	-do-	025462
10.	Sri ram Singh	Sato Singh	Vill+P.O. Dahma-Distt-Patna Bihar	025420
11.	Sarswati Reja	Matla Manjhi	Vill+P.O. Bagha-Thana-Tirin-Distt- Mayurbhanj	025280
12.	Tarni Singh	S N Singh	Vill+P.O. Maithi-Distt- Muzaffarpur	025503
13.	Maina Reja	Megh Ram Murmu	Vill-Malkisua P.O. Vijaytar Distt- Mayurbhanj	025602
14.	Kuliwala Devi	W/o Rajlal Mahtare	Vill-Ghamna tand P.O. Sisikala-Distt- Hazaribagh Jharkhand	121806
15.	Ramdas Paswan	Late Shiv Charan Paswan	Vill-Tikari P.O. Bhadwa Bazar Distt- Aurangabad	25333
16.	Kameshwar Prasad	Sri Bagli Sah	Vill- Abdulpur P.O. Nariganj Distt-Nawada	025298
17.	Amod Singh	Kanta Singh	Vill+P.O- Kenwar, Distt- Banka Bihar	025470
18.	Vendu Lal Patel	Gurudas Patel	Vill+P.O.Tiruldih Thana-Eshgardh- Distt-Singbhum	025448

**5. DEPARTMENT- COKE OVEN REPAIRING (TIE ROD) BOKARO STEEL PALNT**

SL. No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Arjun Singh	Sri Basudeo Singh	Distt- Giridih	001842
2.	Durga Charan Mahato	Sri Babu Ram Mahato	Vill+ P.O.Charangi- P.S Petarwar -Distt- Bokaro- Jharkhand	01862
3.	Ravi Gope	Mangru Gope	Vill+P.O. Damru, Distt-Purulia, West Bengal	001909
4.	Abdul Karim	Abdul Jalil	Vill+P.O. Hajauli,Distt- Balia,U.P.	01991
5.	B.N.Thakur	Badhan Thakur	Vill+P.O. Sosokala,Distt- Raigardh	001925
6.	Gangadhar Mahato	Brinda Lal Mahato	Vill+ P.O.Bangenda	

**6. DEPARTMENT- STAND PIPE REPARING, COKE OVEN AND B.P.P.-BOKARO STEEL PALNT**

SL. No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Upenda Yadav	Late Hira Yadav		093906
2.	Saidhun Ekka	Late Buhus Ekka		108135
3.	Anil Singh	Late Bindeshwari Singh		089244
4.	Sachida Kumar Singh	Late Sarju Pd.Singh		089278
5.	Bhrigunath Sah	Late Ganga Sah		089252
6.	Naresh Singh	Late Deo Nath Singh		089294

**7. DEPARTMENT- COKE OVEN(COMPEN CENTRE) -BOKARO STEEL PALNT.**

SL. No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Ram Lakhan Choudhary	Sri Mogal Choudhary	Vill- Gandhinagar P.O.+ Thana- Dehri Aonsan, Distt-Rohtas,Bihar	024357
2.	J.D.Jha	Late Dhaneshwar Jha	Vill+P.O. Jarail,Thana- Benipatti, Dist-Madhubani, Bihar	024406
3.	Bishwanath Pandit	Late Sarjug Pandit	Vill- Bajitpur,Chakasturi,P.O. Sahdei Bujruk, Thana-Desri,Distt Baishali ,Bihar	024290
4.	Nand Lal Yadav	Late Mani Lal Yadav	Vill-Shribigaha,P.O+Thana-Sakurabad,Distt-Jahanabad,Bihar	024323
5.	Bishwanath Gope	Late Shiv charan Gope	Vill-Padampur, P.O. Aamada,Thana-Kharsama, Distt-Saraikela, Jharkhand	024299
6.	Indro Gope	Late Pitam Gope	Vill-Manarkola,P.O.+Thana-Rajnagar,Distt-Saraikela,Jharkhand	024307
7.	Baijnagi Bandiya	Lt. Budhu Ram Bandiya	Vill- Gondasai Udchawk,P.O.+Thana-Ronwa,Distt- West Singhbhum, Jharkhand.	024274

**8. DEPARTMENT- COKE OVEN,PLATFORM CLEANING-BOKARO STEEL PALNT.**

SL. No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Ganesh Pandit	Late Sarjug Pandit	Vill- Bhini Bajitpur, Chaksturi P.O-Sahdel Thana-Desri Distt- Baishali, Bihar	147646
2.	Ram Nath Pandit	Late Sarjug Pandit	- - do-	147654
3.	Chandan Kumar Singh	Sri Tarni Singh	Vill- Dariyapur Tola , P.O. +Thana-Hathdah,Distt Patna,Bihar	167470
4.	Birendra Sharma	Late Kailash Sharma	Vill-Bihta,P.O.Alipur, Distt-Patna,Bihar	147555
5.	Chandramaul-I Singh	Sri Rajendra Singh	Vill-+P.O.Parsawa,Thana-Pandarak Distt-Patna,Bihar	147597

6.	Raju Mahto	Lt. Gunram Mahto	Vill-Telidih,P.O. Chaura , Distt-Bokaro,Jharkhand	147670
7.	Prameshwar Pandit	Sri Ram Bilash Pandit	Vill- Kanchanpur,P.O.Rajashan, Thana-Bindupur,Distt- Baishali,Bihar	
8.	Rajendra Mahto	Lt. Garbhu Mahto	Vill-Juri,P.O.+Thana-Pakriverma,Distt-Nawada,Bihar.	
9.	Suresh Prasad	Lt. L.Sehu Prasad	Vill+P.O.Geyaribigha,Thana-Shekhpara,Distt- Shekhpara,Bihar	

**9. DEPARTMENT- C.R.M.ZONE-1-BOKARO STEEL PALNT**

SL.No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Surendra Singh	Late Mundrika Singh	Vill+P.O. Karath, Vaya- Tarari, Distt-Bhojpur,(Arrah) Bihar	002121
2.	Ram Chandra Ram	Sri G D Ram	Vill-Bishrampur, P.O.Khursiya, Dist- Rohtas	002220
3.	Raj Kishore Tiwari	Late S.D. Tiwari	Vill+P.O. Dyalpur,Vaya-Bidutpur, Distt-Vaishali	002311
4.	Baldeo Yadav	Late Bishnudeo Yadav	Vill-Narar Kedi, Madhubani Tola, P.O. Narar Vaya- Jainagar, Distt-Madhubani	002254
5.	Kalika Yadav	Late Jeth Yadav	Vill+P.O. Barka Rajpur, Vaya-Semri, Distt-Baxur	002296
6.	Shram Niwas Singh	Sri Ramjag Singh	Vill-Bisenidera,P.O. Bharsar,Distt-Balia,U.P.	020850
7.	Tarapado Kumbhkar			
8.	Suresh Giri	Mehan Giri	Vill-Susmayjli,P.O.Jhalbera Distt-Angul,Orissa	169278
9.	Shravi Karamkar	Mahandi Karamka	Vill-Gidi Ghali ,P.O. Tarana, Distt-Mayurbhanj	208539
10.	Sumi	W/o Sri Ghasi Ram	Vill-Gidi Ghali ,P.O. Tarana, Distt-Mayurbhanj	002444
11.	Dalhi	W/o Baleshwar Hasda	Vill-Agoya,P.O. Sagra,Distt- Dumka Vaya-Palajori	002456
12.	Sudha	J R Munda	Vill-Chama,P.O.Bukru,Distt-Ranchi	002494
13.	Semwari-11	W/o R. Mundueya	Vill-Rutesae, P.O.Chaiewasa,Distt-Singbhum	019374

**10. DEPARTMENT-R.B.S.-2 C.R.M. BOKARO STEEL PLANT**

SL.No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Birendra Jha	Late Shambhu Nath Jha	Vill+P.O. Harka Manshahi,Thana-Minapur, Distt- Muzaffarpur Bihar	027418
2.	J.Ansari	Mahmud Mia	Vill-Nagaura, P.O. Fulwaria Vaya-Guruwa, Distt-Gaya ,Bihar	022676
3.	Sudama Prasad	Late G.P.Prasad	Vill-Shekhpara, P.O. Kalapahar Tendua,Distt-Palamu,Jharkhand	116055



**11. DEPARTMENT-BRACING UNITING WORKS C.R.M.-1,BOKARO STEEL PLANT**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Krishna Pd. Verma	Late Sukhdeo Pd Verma	Vill+P.O.Ogari, Distt- Nalanda, Bihar	004507
2.	Tapeshwar Kumar	Sri Ram Bahadur Rajir	Vill- Jalpipri,P.O. Dubiha,Distt-Gajipur, U.P.	011544
3.	Gautam Ram	Sri Nageshwar Ram	Vill-Patedha,P.O. Patedhi,Distt-Siwan,Bihar	004515
4.	Ram Nagina Ram	Late Gahnu Ram	Vill-Edikpur, P.O.Punarji, Distt-Aajamgarh,U.P.	011536
5.	Prameshwar Singh	Late Guhram Singh	Vill-Lotpada, P.O.Harbana,Distt-Purulia, West Bengal	004490
6.	M.C.Das	Shristidhar Das	Vill- Agardih,P.O. Kumardaga,Distt-Bokaro,Jharkhand	004474
7.	B.N.Rao	Shri B.Potya	Vill- Plaskola,P.O. Adra,Distt-Purulia,West Bengal	004456

**12. DEPARTMENT-SHIPPING-1 AND 2 C.R.M.-2 , BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Sunil Kumar Mohanti	Late J.Mohanti	Vill+P.O.Alalbindh-A, Vaya-Dehurada, Distt- Balasor, Orissa.	019382
2.	Madhewar Ram	Late K.Ram	Vill-Dhadpi, P.O.+ Thana - Goh, Dist-Aurangabad, Bihar	K 003244
3.	Kameshwar Pd Pandit	Late B.L.Pandit	Vill-Jamghat, P.O.Dariyapur, Vaya-Hamtayav, Kharakpur, Munger, Bihar	K 003161
4.	Ghasi Ram	Late Pitae Ram	Vill-Sosodih, P.O.Daydeu, Distt-Singhbhum, Jharkhand	K 003195
5.	Baleshwar Hansda	Late Rawan Hansda	Vill-Agoya, P.O. Sagara, Distt-Dumka, Jharkhand	K 003202
6.	Sachida Nand Singh	Late S.N.Singh	Vill+P.O.Fuha,Via Aprankhipj Distt-Arrah, Bihar	K 003187
7.	Ramendra Singh	Late B.Singh	Vill+P.O. Husepur, Dabrapar, Distt-Chapra,Bihar	K 003179
8.	Ratan Singh	Late J.Singh	Vill-Samathpura, P.O. Makdumpur, Distt.-Chapra, Bihar	K 003112
9.	Laldhari Yadav	Late P.Yadav	Vill-Kaithiskarpur, P.O. Khaniyara, Distt.Ajamgarh, U.P.	K 003153
10.	Lakhan Sharma	Late B.Sharma	Vill-Pali, P.O.Utarayan, Distt-Gaya, Bihar	K 003262

**13. DEPARTMENT-C.R.M.ZONE-3, HDGC-SHIPPING-2BOKARO STEEL PLANT**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Ram Naresh Sharma	B.N.Sharma	Vill- Chauki, P.O.Pachpokhri, Thana- nokha, Distt-Rohtas, Bihar	443458
2.	Rajendra Prasad	Shri Nandan	Vill-Sohada, P.O.Bahuria Bigha, Thana-Barun, Distt-Aurangabad, Bihar	444278
3.	Mithilesh Kumar	Sri J.Ram	Vill-Jigani, P.O.Manihari, Thana-Bhabhua ,Distt-Kaimur,Bihar	444490
4.	Suraj Thakur	Bhola Thakur	Vill-Nagla, P.O.Kinjar,Thana-Kinjar , Distt-Arwal,Bihar.	444282

**14. DEPARTMENT-C.R.M.ZONE-3, BOKARO STEEL PLANT**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Lalmuni Devi	Late Etwa Oraon	Vill- Siyang, P.O.Chharda Thana-Sisae Distt-Gumla, Jharkhand	024927
2.	Birbal Barik	Tino Barik	Vill- Raikish,Distt Ranchi, Jharkhand	024901

**15. DEPARTMENT-C.R.M.ZONE-3, HDGL SHIPPING BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.			Vill+ P.O.Kenuar,Distt-Banka	067076
2.	Vinod Kumar Singh	Sri Jitendra Singh	Vill-Bhagwanpur, P.O.Mohmada,Dist-Muzaffarpur, Bihar	047797
3.	Laxman Ram	Sri Shiv Kumar Ram	Vill+P.O. Gaayghat, Distt.Baksar,Bihar	47789
4.	Bipin Kumar Sinha	Sri A.P. Srivastava	Vill- Bareja, P.O. Khasi, Distt-Chhapra,Bihar	06083
5.	Akhilesh Singh	Sri Ram Lagan Singh	Vill-Mahuaani, P.O. Saidpur, Distt- Chhapra, Bihar	047804

**16. DEPARTMENT-TRAFFIC LOCOSHED-WAGON SHED,BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Birendra Kumar Singh	Sri Ram Gyan Singh	Vill-Dihra P.O.+Thana-Kudra Distt-Kaimur, Bihar	219445
2.	Hira Devi	W/O Surendra Sharma	Vill-Jhopri Colony,P.O. Siwandih, Distt- Bokaro	345935
3.	Shanti Devi	Gopal Sharma	Karnal Market, Marafari, Distt-Bokaro	179045
4.	Gowardhan Gope	Labin Gope	Vill-Kurma, P.O. Kashijharia, P.S. Pindrajora, Distt-Bokaro	153601
5.	Bhutu Singh	Bhagat Singh	Vill-Kurma,P.O. Kashijharia, P.S. Pindrajora,Distt-Bokaro	153594
6.	Ramu Bauri	Nepal Bauri	Vill- Dewatand Siyarda P.S. Pindrajora, Distt-Bokaro	378738

**17. DEPARTMENT-S.M.S.-1, BOILER DOWN TECH CLEANING BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Santosh Gope	M.Gope	Vill-Mantand,P.O. Chandra, Distt-Bokaro, Jharkhand	
2.	Narad Gope	M. Gope	Vill-Mantand,P.O. Chandra, Distt-Bokaro, Jharkhand	
3.	Mathur Gope	Badi Gope	Vill-Mantand,P.O. Chandra, Distt-Bokaro, Jharkhand	
4.	Montu Gope	Duryodhan Gope	Vill-Mantand,P.O. Chandra, Distt-Bokaro, Jharkhand	
5.	Prahlad Rai	S.P.Rai	Vill+P.O. Ulhanpur, Distt-Chhapra, Bihar	
6.	Ravindra Sah	K Sah	Vill+P.O. Bihya, Distt-Bhojpur, Bihar	

**18. DEPARTMENT- BRACING UNITISING H R C F (O.P.),BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Radha Shyam Sharma	Late-Girija Sharma	Vill- Paro,P.O. Matiya, Distt- Jamue, Bihar	000977
2.	Ramawatar Sharma	Late Hari Lal Sharma	Vill+P.O. Bishunpur P.S.Parwata, Distt-Khagaria	001024
3.	Rameshwar Sharma	Late Karam Sharma	Vill- Mohanpur,P.O. Matiya, Distt- Jamue,Bihar	001032
4.	Girija Sharma	Late Sarju Sharma	Vill- Jonadih,P.O. Godhaur, Distt- Jamue, Bihar	001058
5.	Prahlad Das	Kanhaiya Das	Vill- Adamdih, P.O. Alkusa, B.S.City, Dist-Bokaro	001074
6.	B.Ram	Sukhram Ram	Vill-Lohra Sahiyorar P.O. Suket Distt-Sonwada	1001123
7.	Pratap Narayan Pandey	Sri Balbhdra Pandey	Vill-Teghara, P.O. Narwan, Distt- Chhapra, Bihar	001305
8.	Nand Kishore Thakur	Late Babu Lal Thakur	Vill+P.O. Bishunpur P.S.Parwata, Distt-Khagaria	001149
9.	Kuldip Pd.Singh	Jaikrishna Pd. Sharma	Vill-Barautha,P.O. Kirana, Distt-Bhagalpur,Banka	001206
10.	Pradeep Kumar Sharma	Sukhdeo Sharma	Vill- Paro,P.O. Matiya, Distt- Jamue,Bihar	244335
11.	Laldeo Lohar	Mangu Lohar	Vill-Ghutiya,Jamgae, P.O.Halhunda, Ranchi	001230
12.	Hukum Yadav	R.N.Yadav	Vill+P.O. Balua Distt-Bhojpur, Arrah, Bihar	119314
13.	Suresh Sharma	Late Janki Sharma	Vill- Paro,P.O. Matiya, Distt- Jamue, Bihar	001040
14.	Ram Sarikan Singh	Dayal Chandra Singh	Vill+P.O. Durki Disttmuzaffarpur, Bihar	1001090
15.	Braj Kishore Sharma	Ram Ratan Sharma	Vill+P.O. Mohmadpur,Distt- Bhojpur,Bihar	000943

16.	Chandrika Prasad	Laxman Prasad	Vill-Kushhachak, P.O.Sirdala, Distt-Nawada	001115
17.	Raj Kumar Rajak	Madan Rajak	Vill+P.O.Sahora, Distt-Munger, Bihar	001181
18.	Krishna Deo Singh	Rammad Singh	Vill-Harpur, P.O.Namad, Distt- Bhojpur	001256
19.	Kailash Das	Chalitar Ram	Vill+P.O. Katki, P.O.Deo, Distt-Aurangabad, Bihar	001173
20.	Pramod Singh	Gauri Singh	Vill+P.O. Arkhango, Distt-Giridih	001240
21.	Satyanarayan Paswan	Latlu Paswan	Vill-Rajadih,P.O. Gaukhdi, Distt-Munger, Bihar	1001090
22.	Shri Kishun Ram	Deepa Ram	Vill-Tiyari,Distt-Gajipur, Bihar	001199
23.	Madan Singh	Khubi Singh	Vill+P.O.Paliganj, Distt- Giridih, Jharkhand	001298
24.	Nitya Nand Pandey	Satyanarayan Pandey	Vill+P.O Dalan Chhapra, Distt Balia U.P	000969

**19. DEPARTMENT-H R.C.F. CLEANING, BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Raghu Nath Giri	Late K.D.Giri	Vill-Morpokhar, P.O.Maniyar Bhae, Distt-Balia, U.P.	003335
2.	Raut Jamuda	Late D.Jamuda	Vill-Ghaghra Ghat,P.O. Mahal Pani, Distt- West Singhbhum, Jharkhand	003351
3.	Narayan Lohar	Late C.Lohar	Vill+P.O.Moranda Distt-Mayurbhanj, Orisa	003385
4.	Chandu Lohar	Late Tipap Lohar	Vill+P.O.Moranda Distt-Mayurbhanj, Orissa	3377
5.	Giridhari Lohar	Late Ghurda Lohar	Vill+P.O.Moranda Distt Mayurbhanj,Orissa	003393
6.	Satyanarayan Prasad	Late R.C.Prasad	Vill-Loharpur	003400
7.	Bipendra Sharma	R.K.Sharma	Vill+P.O.Lahuyar, Distt-Gazipur, U.P.	003583
8.	Santosh Kumar Das	Late Bimba Das	Vill-Maharajganj, P.O. Rajnagar, Distt- Saraikela, Kharsawa, Jharkhand.	167256
9.	Smt Maya Devi	Late S.Lohar	Vill+P.O.Moranda Distt-Mayurbhanj, Orissa	3318
10.	Smt Kusum	R.Prasad	Vill-Sibhani, P.O. Sanmula, Distt- Balagir, Orissa	003426
11.	Smt.Shishumati	Late S.Singh	Vill-Ukari,P.O.Sinni	003434
12.	Smt Sukurmani	D.Gope	Vill-Kulughutu, P.O Jirae,Distt-Mayurbhanj, Orissa	003468
13.	Smt.Munia Devi	Late Bisu	Vill-Bandhua, P.O. Chasi, Distt-Ranchi, Jharkhand	167256
14.	Smt.Namsi	Late B.Putti	Vill+P.O.Kuelisuta, PO- Sono	3484
15.	Smt.Padma	C.M.Patro	Vill+P.O. Jamda Distt-Mayurbhanj, Orissa	003525
16.	Smt.Yashoda	Khudiram	Vill+P.O. Aru, Distt-Lohardaga, Jharkhand	003517
17.	Smt.Hiramuni	Late D.Gope	Vill+P.O. Tatnagar, Distt -West Singhbhum, Jharkhand	003533
18.	Smt.Shakuntala	Late Anant Singh	Vill-Dorga, P.O.Balrampur, Dist--Purulia,W.B.	003559

19.	Smt Chinta Muni	Late Panu Sahu	Vill- Ratilo,P.O. Tarahat, Distt-Kuelisuta	003567
20.	Smt.Devanti	Late Anand Ram	Vill- Gorae Digri, P.O. Marcha, Distt.Ranchi	120337
21.	Smt Chandrakala	W/O Late K.N.Jha	Vill+P.O. Ranti, Distt-adhuwani, Bihar	287276

**20. DEPARTMENT- STORES GROUP FIVE-SMALL,BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Alku Thakur	Late Rishi Thakur	Gopinathpur, Jaridih Bokaro, Jharkhand	333381
2.	Charku Singh	Sri Nandu Singh	Vill+P.O. Bhandargora, Jaridih, Bokaro, Jharkhand	
3.	Gauri Singh	Late Roshan Singh	Vill-Tiropathuria, P.S. Jaridih, Distt-Bokaro,Jharkhand	333930
4.	Kanhai Singh	Sri Gobind Singh	Vill-Dharampura, Radhanagar, Balidih Bokaro, Jharkhand	345745
5.	Alku Singh	Late Kailash Singh	Vill+P.O. Bhandargora, Jaridih,Bokaro, Jharkhand	333906
6.	Sukdeo Singh	Late Arjun Singh	Vill+P.O. Bhandargora, Jaridih, Bokaro, Jharkhand	345662
7.	Maheshwar Hembram	Sri Prameshwar Hembram	Vill+P.O. Karharia, Kashitard, Balidih, Bokaro, Jharkhand	333899
8.	Ashraf Ansari	Thbrahim Ansari	Vill+P.O. Karharia, Kashitard, Balidih, Bokaro, Jharkhand	333865
9.	Chhotu Singh	Sri Raghunath Singh	Vill-Raikod Kot, Chandankiyari, Bokaro, Jharkhand	333873
10.	Lalbabu Rai	Late Sahatu Rai	Vill-Narav P.S. Awtar Nagar, Distt-Chhapra, Bihar	333918
11.	Nageshwar Singh	Late Biru Singh	Vill+P.O. Tetariadih, P.S. Jainamore, Bokaro	345753
12.	Lalbabu Singh	Late Jalin Singh	Vill- Jobradih,P.O.Agyav Bazar, Distt-Bhojpur,Bihar	J.S.1145/02
13.	Arun Singh	Late Fagu Singh	Vill-Tiropathuria, P.S. Jaridih, Distt-Bokaro, Jharkhand	345711
14.	Karamchand Singh	Sri Mahendi Singh	Vill-Tiropathuria, P.S. Jaridih, Distt-Bokaro, Jharkhand	345737
15.	Chhotlal Singh	Late-Gahnu Singh	Vill-Tiropathuria,P.O-Jaridih, Distt-Bokaro, Jharkhand	333922
16.	Sehrai Singh	Late Shanichar Singh	Vill+P.O.Dharampura, Radhanagar, Balidih, Bokaro, Jharkhand	345690
17.	Shiv Dyal Singh	Late Shanichar Singh	Vill+P.Dharampura, Radhanagar, Balidih, Bokaro, Jharkhand	333918
18.	Badhan Singh	Sri Khadu Singh	Vill+P.O.Dharampura, Radhanagar, Balidih Balidih, Bokaro, Jharkhand	345729
19.	Kripal Singh	Late Thakur Singh	-do-	345688
20.	Lakhi Prasad Singh	Late Ful Singh	Vill+P.O. Bhandargora, Jaridih,Bokaro, Jharkhand	

21	Ratan Lal Singh	Late Shyam Singh	Vill+P.O.Dharampura, Radhanagar, Balidih, Bokaro, Jharkhand	356833
22.	Jageshwar Singh	Late Rakhal Singh	-do-	JS.11454/63
23	Ratan Singh	Late Pran Singh	-do-	356809
24	Dilip Singh	Sri Darshan Singh	Tard Mohanpur, Jainamore, Bokaro, Jharkhand	358817

**21. DEPARTMENT- STORES,BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Mahendra Ram	Banshi Mehra	Bangora Site, B. Block, B.S City, Bokaro, Jharkhand	376039 SL.NO. 6000273657
2.	Suresh Mehra	Baliram Mehra	-do-	403139 SL.NO. 6002736457
3.	Baliram Mehra	Late D.Mehra	-do-	30087 SL.NO. 6002736456
4.	Raj Kumar Mehra	Makhan Mehra	-do-	300054 SL.NO. 6002736469
5.	Shankar Mehra	Late A. Mehra	-do-	364480 SL.NO. 6002736450
6.	Chhotu Mehra	Late D. Mehra	-do-	403155 SL.NO. 6002736459
7.	Bishnu Kumar	Sri Dinu Kumar	Bangora Shed B. Block, B.S City, Bokaro, Jharkhand	403113 SL.NO. 6002918247
8.	Chhote Lal Mehra	Late D.Mehra	-do-	376021 SL.NO. 6002736451
9.	Naresh Mehra	Late S.Mehra	-do-	403147 SL.NO. 6002736458
10.	Kailash Mehra	Jagdish Mehra	-do-	409682 SL.NO. 6002918245
11.	Tulshi Mehra	Late Chand Mohan Mehra	-do-	383240 SL.NO. 6002918246
12.	Shankar Mehra	Dhani Mehra	-do-	409723 SL.NO. 6002918249

13.	Dhani Mehra	Late Thakur Mehra	-do-	376005 SL.NO. 6002736455
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**22. DEPARTMENT-REFRACTORIES STORES,BOKARO STEEL PLANT.**

Sl.No.	Name	Father's Name	Permanent Address	P.F.Code
1.	Manoj Kumar Gorai	Prasad Ram Gorai	Vill-Kalapathar, P.O.Chiksiya, P.S. Chas, Distt-Bokaro	J.H. 10863/117
2.	Anay Mahto	Hakim Mahto	-do-	J.H. 10863/28
3.	Devi Lal Mahto	Bhalku Mahto	-do-	J.H. 10863/35
4.	Rup Lal Gorai	Banshi Gorai	-do-	J.H. 10863/141
5.	Mukund Gope	Bhadari Gope	-do-	J.H. 10863/112
6	Raj Kishore Rai	Dashrath Rai	Vill-Purasakpura, P.O.Chainpur, P.S. Gariakoti, Distt-Siwal	J.H. 10863/121
7	Abhi Singh	Sri Pran Singh	Vill- Tiro, P.O. Pathuria, P.S. Jaridih, Distt- Bokaro	J.H. 10863/121
8	Budhan Singh	Late Bhadu Singh	-do-	J.H. 10863/116
9	Faku Kumbhkar	Late Haradhan Kumbhkar	-do-	J.H. 10863/133
10	Dubraj Singh	Late Fagu Singh	-do-	J.H. 10863/54
11	Aajadi Kumar	Late Moti Singh	Vill-Amyua, P.O-KajIsari P.S.+ Dist- Jahanabad, Bihar	J.H. 10863/115
12	Yamuna Singh	Late Roshan Singh	Vill- Tiro, P.O.Pathuria P.S. Jaridih, Dist- Bokaro	J.H. 10863/114
13	Shibu Singh	Adhanu Singh	Vill-Dharampura, P.O. Radhanagar, P.S. Balidih,Distt-Bokaro	J.H. 10863/158
14	Kishun Singh	Late Basu Singh	Vill-Bhandargora, P.O. Jainamore, P.S. Jaridih, Distt- Bokaro	J.H. 10863/106
15	Josaph Lakara	Late Bishram Lakara	Vill-Jamgai, P.O.Jamgai, P.S. Bhandara, Distt-Bokaro	J.H. 10863/68
16	Amrit Singh	Sarju Singh	Vill-Bhandargora, P.O. Jainamore, P.S. Jaridih, Distt- Bokaro	J.H. 10863/88
17	Ravi Singh	Newar Singh	Vill-Dharampura, P.O. Radhanagar, P.S. Balidih,Distt-Bokaro	J.H. 10863/134
18	Bishu Singh	Jagu Singh	Vill-Khutari Rangachhutu, P.S. Jaridih, Distt-Bokaro	J.H. 10863/147
19	Bishu Singh	Jagu Singh	Vill-Dharampura, P.O. Radhanagar, P.S.Balidih, Dist-Bokaro	J.H.

				10863/59
20	Pedaku Singh	Late Lalu Singh	-do-	J.H./R.N.C. 10863/145
21	Ajay Singh	Dhrub Singh	Vill- Tiro, P.O.Pathuria, P.S. Jaridih, Distt- Bokaro	
22	Sampat Singh	Darshan Singh	Vill-Dharampura,P.O. Radha -nagar P.S. Balidih,Distt-Bokaro	J.H. 10863/131
23	Dileshwar Singh	Panna Singh	-do-	J.H. 10863/127
24	Bigan Singh	Panna Singh	Vill-Dharampura, P.O. Radhanagar, P.S. Balidih,Distt-Bokaro	New
25	Arjun Manjhi	Hari Manjhi	Vill-Khutari Rangachhutu, P.S. Jaridih, Distt-Bokaro	J.H./R.N.C. 10863/148
26	Kartik Singh	Late Makur Singh	Vill-Dharampura, P.O. Radhanagar, P.S. Balidih, Distt-Bokaro	J.H. 10863/125
27	Bhrigu Nath Prasad	Shramprit Prasad	Vill- Baijnath Chhapra,P.O. Raniganj, P.S. Bairiya, Distt-Balia	J.H. 10863/66
28	Jyotilal Singh	Khudu Singh	Vill-Dharampura, P.O. Radhanagar, P.S. Balidih, Distt-Bokaro	J.H. 10863/130
29	Bablu Kumar Singh	Baijnath Singh	Vill- Chatma Bazar, P.O. Karmdih P.S. Shambhuganj Distt- Bala	J.H. 10863/113
30	Basudeo Hasda		Vill- Partard, P.O. Bandhdih, P.S. Jaridih, Bokaro	J.H./R.N.C. 10863/143
31	Kanhai Singh	Late Bholu Singh	Vill-Bhandaragora, P.O. Jainamore, P.S Jaridih, Dist.Bokaro	J.H./R.N.C. 10863/144
32	Mahabir Manjhi	Adhnu Manjhi	Vill- Banddih Kochagora, P.O. Bandhdih P.S. Jaridih, Distt-Bokaro, Jharkhand	J.H. 10863/140
33	Raj Kumar Singh	Kailash Singh	Vill-Dharampura, P.O. Radhanagar, P.S. Balidih,Distt-Bokaro	NEW
34	Sukurmani Champia	Smado Champia	Vill-Chhotatola, P.O. Siwandih, P.S. Marafari, Distt-Bokaro.	J.H. 10863/123
35	Shaile Guria	Late Niral Guria	Vill-Bhendra P.O. Barda, Distt-Khuti	J.H. 10863/142
36	Shakuntala Devi	Shyam Sundar Singh	Gaiman Colony Fabrication Road Bangali Hotel P.S. Marafari, Distt-Bokaro.	J.H. 10863/30
37	Shukmati Devi	Late Gopi Saw	Vill-Ajadnagar P.O. Siwandih P.S. Siwandih, Distt Bokaro	J.H. 10863/63
38	Santoshi Lakara	Josaph Lakara	Kurmidih Kaibin Toli, P.O. Railwlay Colony, P.S. Balidih, Distt-Bokaro	J.H. 10863/62
39	Kapla Devi	Bhrigunath Singh	Gaiman Colony Fabrication Road Bangali Hotel P.S. Marafari, Distt-Bokaro	J.H. 10863/195
40	Dulari		Vill-Partard P.O. Bandhdih, P.S. Jaridih Distt-Bokaro	J.H. 10863/95
41	Nirmala		Vill-Birsadam P.O. Gangjari P.S. Jaridih	J.H.



			Distt-Bokaro.	10863/114
42	Shaktipad Gorai	Niwaran Gorai	Vill-Harila Goda, P.O. Dudhigajar, P.S. Chas(M) Distt- Bokaro	
43	Sahdeo Hasda	Ratan Manjhi	Vill-Baradih, P.O. Bandhdih, P.S. Jaridih, Distt-Bokaro	
44	Sukhdeo Pal	Narayan Pal	Vill-Dubara P.O. Dubara, P.S. Para Distt- Purulia	
45	Dilip Singh	Jagat Singh	Vill- Tiro, P.O. Pathuria, P.S. Jaridih, Distt- Bokaro	J.H. 10863/87
46	Dhiren Singh	Kapil Singh	Vill+P.O. Karharia, P.S. Balidih, Distt-Bokaro	J.H. 10863/107
47	Shambhu Singh	Pachu Singh	Vill-Bhandaragora, P.O. Jainamore, P.S – Jaridih Dist.Bokaro	J.H. 10863/94
48	Bhola Singh	Ledu Singh	-do-	
49	Ajit Marandi	Amin Mrandi	Vill-Asansol, Simultard, P.O. Jogidih, P.S. Chandankiyari, Distt-Bokaro	J.H. 10863/59

**23.DEPARTMENT-STORES,BOKARO STEEL PLANT.**

SL.No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Anita Kumari	Sukhdeo Murmu	Vill-Jaina Basti Mishra, P.S. Jaridih Site, Distt-Bokaro	397837
2.	Sumitra Kumari	Hari Chand Murmu	-do-	397845

**24.DEPARTMENT-STORES, GROUP-FIVE GAS SECTION BOKARO STEEL PLANT.**

SL.No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Jagdish Singh	Late Bhakur Singh	Vill-Dharampura, P.O. Radhanagar, P.S. Balidih, Distt-Bokaro	181331 331192
2.	Dilip Singh	Sri Bisheshwar Singh	Vill-Gaychhanda Gangjori, Jaridih, Bokaro, Jharkhand	181331 3341116
3	Hapa Mahto	Late Bhukhal Mahto	Vill- Patharkatta Site, P.O. Chas, Distt.Bokaro	331158
4	Sukar Sardar	Sri Ramadhan Sardar	Vill- Dumar P.O.Handu Distt-Mayurbhang, Orissa	331190
5	Haldhar Mahto	Brindawan Mahto	Vill+P.O. Bagarad Distt-Singhbhum, Jharkhand	331083
6	Bibhas Singh	Sri Akleshri Singh	Vill+P.O. Bheudih Sangrampur Distt- Munger, Bihar	181331 001331
7	Bagedan Saw	Sri Lalan Saw	Vill-Kodaghpara P.O. Pashurampur Distt- Bhojpur, Bihar	294207
8	Gopal Majhi	Sri Dewan Manjhi	Vill-Dharampura, P.O. Radhanagar, P.S. Balidih, Distt-Bokaro	
9	Maheshwar Singh	Sri Kaleshar Singh	-do-	J.N. 11454/50
10	Tepu Singh	Sri Khadu Singh	-do-	3111174

11	Kalipad Mahto	Sri Jamtu Mahto	Vill+P.O. Bhawanipur Site, Chas, Bokaro	331140
12	Jagan Mahto	Sri Jamtu Mahto	Vill+P.O. Alkusha Basti, Chas, Bokaro	331108
13	M.D.Nazir	M.D.Abdul Karim	Vill+P.O.- Ukrid Basti, Distt- Bokaro, Jharkhand	331137

**25.DEPARTMENT-SLABBING MILL(O),BILLING BOKARO STEEL PLANT.**

SL.No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Ram Karan Ram	Deo Charan Ram	Vill-Pipra Kadhar P.O.Bhairofaj Distt- Mau, U.P.	K 003963
2	Manoj Tiwari	Late Sudarshan Tiwari	P.O. Bhakhli, Siwan, Distt-Siwan, Bihar	K 04086
3	Dewanand Singh	Late Khusar Singh	P.O. Baghia Distt- Bhojpur, Bihar	K 3856
4	Ram Ashish Pd. Singh	Bardari Singh	Vill+P.O. Bakahara Distt-Shekhpora, Bihar	K 003921
5	Ram Nandan Singh	Udit Singh	Vill-Balawalpur, P.O-Hari, Distt-Hazaribagh, Jharkhand	K 3905
6	Sudama Yadav	Badaulabh Yadav	Vill-Arsan Tola P.O. Bharnid Chhapra, Bihar	K 001784
7	Ambuj Das	Baijodas	Vill-+P.O. Alkusha, Distt-Bokaro	K 3898
8	Kamlesh Thakur	Mithae Thakur	Vill+P.O.Barhara Distt-Chhapra, Bihar	K 004101
9	Shankar Yadav	N. Yadav	--	K 005005
10		Karn Thakur	Vill- Kondhar Distt- Chhapra, Bihar	K 004002
11	Gurpat Singh	Hol Singh	Vill+P.O. Kalati Distt-Purulia W.B.	K 003939
12	Lalinda Singh	Jitu Singh	Vill-Kalwar Porand P.O. Halda, Purulia, W.B.	
13			Vill-Dhawa, P.O. Purnia Distt- Singhbhum, Jharkhand	K 04052
14	Dhanji Yadav	Baijnath Yadav	Vill-Katahi, P.O.Sonwali, Distt- Purulia, W.B.	
15	Basanti Devi	Mangara	Vill-Para Tola P.O. Safarpur Distt-Gumla, Jharkhand	
16	Banli Devi	W/O Parshuram Prasad	Vill+P.O. Muhmmadabad Distt-Aajgate	K 004127
17	Champa Devi	Raw Singh	Vill-Hasara P.O.Aldat Punia	K 004121
18	Thamni Devi	W/O Etwa Ekka	Vill- Tanko Puna P.O. Haria Distt- Ranchi	K 04276

**26. SAFAI AND SULABH SHAUCHALAYA,BOKARO STEEL PLANT.**

SL.No.	NAME	FATHER'S NAME	PERMANENT ADDRESS	P.F.CODE
1.	Nawal Kishore Rawat	Srirajendra Ram	Vill-Brindawan P.O.Kiul I.S. Distt-Lakhisarai, Bihar	133364
2	Mahendra Rabidas	Late Munilal Rabidas	Vill-Koluha,Dewal P.O. Malepur Distt- Jamui, Bihar	135360
3	Surendra Das	Late Jagat Das	Vill+P.O. Tajnipur, Vaya-Badh P.S. Sabhima Bind Distt-Nalanda, Bihar	133504

4	Bahadur Ram	Late Bhula Ram	Vill-Pandeypur, P.O. Rajapur Pashiwar P.S. Maharajganj, Siwan, Bihar	133504
5	Mahendra Rabidas-2	Sri Babulal Rabidas	Vill- Gobindpur P.S. Jhajha P.O. Gidhor, Distt-Jamui, Bihar	157132
6	Nageshwar Ram	Sri Bandhu Ram	Vill-Samgiya, P.O. Barachakiya, P.S. Madhuwan Motihari, Bihar	133512
7	Subhash Rabidas	Madneshwar Lakara	Vill-Chinberia, P.O. Gaura P.S. Laxmipur, Distt-Jamue, Bihar	133562
8	Rajeshwar Lakara	Madneshwar Lakara	Vill-Kanke Road Johar Nagar, PO+ PS- Johar Nagar, Distt- Ranchi	
9	Sakaldeo Rabidas	Late Dahu Manjhi	Vill-Koluhakewal, P.O. Malaypur P.S. Barhat, Distt-Jamue, Bihar	133504
10	Mudhan Manjhi	Late Dahu Manjhi	Vill-Babhabawrue P.O.+P.S. Hilsa, Distt-Nalanda, Bihar	142943
11	Pahlu Oraon	Late Pankhe Oraon	Vill-Tigara, Nawatoli, P.O. Pari, P.S. Ratu, Distt-Ranchi, Jharkhand	158114
12	Birendra Das	Sri Ishwar Das	Vill-Munjabpur, P.O.P.S. Rahue Distt- Nalanda, Bihar	133083
13	Anil Kumar	Late Ashok Kumar	Vill-Chinakothi, Harijan Colony, Utari Mandir, P.O. G.P.O., P.S. Budha Colony, Distt-Patna, Bihar	133562
14	Sanjiv Kumar	Sri Narayan Ram	Vill- Barhan State Tola, Rampatti Band Ke Pichhe, P.O. Narhan, P.S. Bibhutipur, Distt- Samastipur, Bihar	137415
15	Manoj Kumar	Sri Narayan Ram	-do-	137382
16	Shambhu Das	Late Ravi Saday	Vill- Madhepur, Tola Rajwa, P.O. Barari, P.S. Benipatti, Distt- Madhuwani, Bihar	134229
17	Vijay Kumar Thakur	Sri Badri Thakur	Vill-Chinakothi, Harijan Colony, Utari Mandir, P.O. G.P.O., P.S. Budha Colony, Distt-Patna, Bihar	133257
18	Kundan Kumar	Late Jhari Ram	Vill- Rajwa, P.O. Barari, P.S. Benipatti, Distt- Madhuwani, Bihar	134205
19	Surendra Ram	Late Beni Ram	Vill+P.O.+P.S. Chenari, Dist-Sasaram, Rohtas, Bihar	133744
20	Mahendra Mahli	Sri Bandhu Mahli	Vill-Chakmai, P.S. Budmu, Distt-Ranchi, Jharkhand	157106
21	Surendra Ram	Sri Bharat Ram	Vill+P.O. Pali Thara Ratu, Distt-Ranchi, Jharkhand	133744
22	Vijay Ram	Sri Bharat Ram	Vill+P.O. Khuti, Distt-Ranchi, Jharkhand	13309
23	Sudin Das	Sri Bachu Das	Vill+P.O. Badh Ladma, Distt-Patna, Bihar	142969
24	Bachu Das	Sri Jageshwar Das	-do-	133554
25	Shivnath Ram	Sri Laxman Ram	Vill+P.O. Jamela Madneshwar Asthan, P.S. Andhra Thari, Distt-Madhubani, Bihar	13330
26	Jahrang Ram	Sri Prahlad Mahli	Vill+P.O. Chaknai Budmu P.O. Chakmae, Distt. Ranchi	137457

27	Ranjan Ram	Sri Sita Ram	Vil+P.O.Yarpur, Ambedkar Nagar	135328
28	Chandradip Paswan	Sri Banwari Paswan	Vill-Chinakothi Utari Mandir, Distt-Patna, Bihar	132979
29	Ludhka Ram	Sri Bandhu Mahli	Vill+P.O.Chaknai Budmu P.O. Chakmae, Distt. Ranchi	133468
30	Pradeep Kumar	Late Babu Lal Das	Vill+P.O. Utrai, Distt- Nalanda, Bihar	133299
31	Ajay Kumar	Sri Badri Thakur	Vill-Chinakothi Utari Mandir, Distt-Patna, Bihar	379231
32	Radheshyam Kumar	Bachu Das	Vill+P.O Badhaldama, Distt-Patna, Bihar	379249

2. The case is received from Ministry of Labour on 28.11.2011. The Sponsoring Union files their written statement on 24.02.2012. But the management files their written statement on 01.11.2012. Thereafter rejoinder and document filed by the parties. Seven witnesses examined on behalf of the management but two witnesses examined on behalf of the workmen. Documents of the management marked as M-1 & M-2 series and documents of workman marked as W-1 to W-32.

3. The case of the Sponsoring Union is that the Sponsoring Union raised the demand that in M/s Bokaro Steel Plant at in major departments several contract Labourers are working on the permanent and perennial nature of job since last several years. The Jharkhand State Teka Mazdoor Advisory Board has investigated and it has been found that in nine major departments contract Labourers are working since last several years. The Sub-committee of the Advisory Board has also found that in these departments contract system which has been applied is not actual but camouflage and the contract labourers who are working in these departments alongwith permanent workers are being deprived with equal pay for equal work and other benefits. They have been also deprived with the provisions of the Minimum wages Act.

4. It is further submitted by the Sponsoring Union is that when production started from the BSL in 1976, right from very beginning contract labourers have been appointed in Hot Strip Mill, Coke Oven, Cold Rolling Mill, Traffic Department, Steel Melting Shop, H.R.C.P Plant, Central Store Board, Slabbing Mill and Dusting, cleaning and sweeping. The contract labourers were used for the dispatch of materials going outside in the railway wagon and they were also used for loading materials in the wagon but they are not paid even the minimum wages. These contract workers worked at par with the regular workmen and when the regular workmen connived for doing the work is being taken by contract labourers

5. It is further submitted by the sponsoring Union that the workmen doing cleaning and sweeping job also in CRN cleaning department. The sweeping, dusting and cleaning have been totally prohibited by notification No. S.O No. 779 (E) dated 9.12.1976 prohibiting employment of contract labour and watching of building or occupied by and whichever taken the work of sweeping, cleaning and dusting by the contract labour and ex-facie violate section 10 of the Act and it creates the master and servant relationship between the principal employer and the contract labour. The management of Bokaro Steel Plant is deliberately and knowingly violating the provisions of the law so for it relates to the contract labourers since last several years.

6. The Jharkhand State Advisory Board had constituted a sub-committee and they had submitted a report. The Deputy Labour Commissioner –cum-President of that sub-committee Bokaro Steel City submitted a report in detail that how the work is being taken by the Bokaro Steel Plant from the contract Labourers in the Hot Strip Mill, Coke Oven, Cold Rolling Mill, Traffic Department, Steel Melting Shop, HRCF Plant, Central Store, Slabbing Mills, Stock yard and contract Labourers are engaged in sweeping, Cleaning and dusting.

7. It is also submitted by the union is that the provident fund of the contract labourers working are being deducted and the share of the management is being paid by the management and each and every contract workers should have allotted code No. by provident fund Department.

8. It is also submitted by the sponsoring union that the management is directed to contractor to engage the workmen here and there, the contractor had no choice to engage the workmen, it shows that here is existence of relationship of employer and employee between the SAIL, Bokaro Steel Plant and the workers engaged by the contractor since last several years as such they are entitled to regular employment in Bokaro Steel Plant Ltd. and they are entitled to all benefits arising out of that. It will not out of place to mention here that the contractor workers have been assigned the job of cleaning. The work involves cleaning in around scale yard and slabbing mill at Sl. Mill and the surrounding and also removal of scale scrapes pieces from the equipments and the above Areas. The railway tracks

are to be kept clean from all foreign materials and any other terms which may be required to be cleaned. Cleaning job must be to the satisfaction of the suptd. SI.Mill.

9. It appears that the management of Bokaro Steel Plant are violating the memorandum of understanding signed between the management of SAIL and National Joint council of the steel dated 17<sup>th</sup> may 1995 clause 3.5.1 of the memorandum of understanding deals with contract labour. R.L.C ( C ) has pointed out that a large number of contract workers are employed in Bokaro Steel Plant of permanent and perennial nature of job but the management not regularized the workmen hence Industrial dispute arose.

10. On the other hand the case of the management is that the management never appointed and engage the concerned persons whose names appearing in the annexure to the reference hence the management is not aware about the concerned persons, there is no employer – employee relationship between the concerned persons and the management.

11. It is further submitted by the management that the management never paid any wages to the concerned persons and the management is also not aware whether these persons ever worked under any contractor or not.

12. M/S Bokaro Steel Plant being a Govt. of India undertaking is legally bound to follow specific rules and procedure of appointment and engagement of persons and its employees.

13. It is also submitted by the management that the management of Bokaro Steel Plant engaged contractor exclusively in casual and temporary nature of job and the contractor is genuine and the contract is only awarded when the contractor completed the legal procedure as per contract Labour Act.

14. The management also submitted that to get regularization phase wise, it is mandatory to prove the vacancy for phase-wise regularization but in the written statement of the workmen there is no mention of the alleged vacancy for regularization of phase –wise. It is pertinent to mention that there is no vacancy for regularization of any persons.

15. It is also submitted by the management that to claim equal pay for equal work, it is mandatory to prove that nature of work, designation, reliability, experience, circumstances, post and nature of job almost similar and source of engagement are the same, then only a workman can claim equal pay for equal work, and they did neither do the same before the conciliation Officer nor in the written statement the union stated in details to claim equal pay for equal work.

16. The management also submitted that the union in its written statement did not disclose the name of alleged contractor under whom the alleged person have been working. The details of the alleged persons name in the annexure to the reference is highly speculative and fictitious and their demand for regularization is without any basis.

17. It is further submitted by the management that there is no merit in the reference case and the persons named in the reference are not entitled for regularization nor they are entitled for wages and other facilities at par with management's employees.

18. The point involved in this reference is that whether the workmen is rendering services to the Bokaro Steel Plant (SAIL) under contractual service, who are to be regularized or not. The workmen submit that they are rendering service to the BSL continuously and they were issued gate pass by BSL and their E.P.F were also deducted. Evidencing that they produced the photocopy of gate pass, I.D Card and E.P.F papers.

19. But the management urges, that the workman was engaged through contractor but has not denied the workman's document and took the plea that the management, has not issued any appointment letter, regularization of workman is only giving scope of backdoor entry which is not permissible.

20. The case of union is that, the contractor changes but the workers continue to do the same job continuously in the main production departments of the plant since more than two decades.

21. The list of workmen are mentioned many other departments like Hot Strip Mill, Coke Oven, Cold Rolling Mill, Traffic Deptt, Steel Melting Shop, Hot Rolled Coil Finish, Central Store, Slabbing Mill and Cleaning jobs under contractor.

- (i) **Hot Strip Mill** – Related to Production work, it is regular and continuous nature
- (ii) **Coke Oven** – Directly related to production, It is permanent and continuous job.
- (iii) **Cold Rolling Mill** – Essential job of production, it also permanent job.
- (iv) **Traffic Department**- Essential for efficient function of production job are also continuous work.
- (v) **Steel Melting Shop** – Essential production job, it is also continuous nature of work.
- (vi) **Hot Rolled Coll Finish** – It is production job, is also continuous job.

- (vii) **Central Store Group-** Related to production job, it is also continuous job.
- (viii) **Slabbing Mill-** Related with production are also important
- (ix) **Cleaning jobs-** The job are essential for health and hygiene of the employees deployed in inside plant are also continuous work.

All works are of continuous and permanent nature of job and the workers are carrying out these jobs continuously since more than 15-20 years as per report of ALC & Labour advisory Board.

22. On perusal of the record it is seen that the management examined seven witnesses in all witnesses there are officers, contractor and others. The MW-1 Sri Prabhakar Kumar working as AGM (Pers) Says in his cross examination that I am working in Contract Labour Cell of personal deptt. of BSL. We take case of contract workers, in CLC. Categorization of contract workers is categorized by contractor. He again says job are categorized and the persons who are working there comes to that category. We are paying the money to contractor not to workmen. He also says the management will deduct their wage. Since I am now not in CLC, I can not say the actual position.

23. The MW-2 Sri Subhash Chandra Jha says in cross examination few portion of cross examination is quoted below :-

**“ I am a contractor there since 20 years. From 2009 to 2010, I was also executing work as contactor, I engaged persons in coke oven, hot strip Mill. Names appearing in the list of names under reference, worked under me for eleven months. Job can be categorized. I am still doing contract in coke oven and hot steel. My workmen works in General Shift. Job I am executing the A category job”.**

24. The MW-3 Shri Rajendra Prasad Tiwari says in cross examination, few portion of cross examination is quoted below:-

**“ I am doing job contract since 1993 in Bokaro Steel Plant. Now I am doing contract work in cold rolling mill, I am engaging 25 workmen in CRM since 11 months. The job my workmen doing is of Cat-A. My workmen are cleaning the machines of the plant and also looking after that thought ,I have power to take action against the workmen on the ground of misconduct. I have not taken any action since I have not noticed any misconduct”.**

25. The MW-4 Shri Jagdish Choudhary says in cross examination, few portions of cross examination is quoted below:-

**“ In Stores, I am executing job contract. The workmen engaged, to take material to oxygen Plant to railways etc. My workmen also do the work of material feeding i.e to Sub Stores. Some contractors does permanent job contract, some temporary”.**

26. On perusal of volumes document, in which one document marked as Ext- W-17 , it is report of contract Labour advisory Board , Jharkhand state, Sub Committee of Bokaro Steel Plant under the chairmanship of Dy Labour commissioner, it is Joint committee of Management representative as well as Labour representative unions , and in Ext- W-16 it is also report of ALC, Bokaro Thermal, and one other Ext- W-15 report of Jt. Secretary of Jharkhand Govt. Mrs Alis Usha Rani Singh.

27. On perusal of all above three documents mentioned the job performed by listed workmen are permanent and perennial nature and directly related to production and processes of the plant. These reports have been prepared by the respective authorities based on the spot inspection of the various departments of Bokaro Steel Plant on the direction of contract Labour Advisory Board of the State of Jharkhand. It is stated in tripartite report and reported that the concerned listed workmen carrying out assigned jobs alongwith the permanent employees of company since more than decades such as since 1976 so on continuously is permanent nature of job.

28. It has further been stated in that report that contract worker is engaged in permanent nature of job of cleaning in Hot Strip Mill of the company since 1977, and similarly in the slab Yard out of 25 contract workers engaged, and some of them out of it continues also since then. Some contractor workers are earlier engaged in the job of cleaning and moping of bathrooms situated in the plant.

29. The listed contract workers were deployed in the production unit of BSL (SAIL) along with permanent workers and carry out the same and similar job and not paid even the minimum wages for which they are fully entitled. They are also deployed in cleaning sweeping and dusting job which are totally prohibited by the Govt. vide notification No. SO No. 779(E) dated 09.12.1976 and thus the engagement of contract workers in these prohibited job is exfacie violation of contract labour ( Regulation and abolition) Act 1970 .

30. On this context the Supreme Court judgment is fully related, in **Civil Appeal No. 3209-3210 of 2015 arising out of SLP ( C) Nos 7105-7106 of 2014 Umrula Gram Panchayat Vs Secretary, Municipal Employees Union-**

**“Industrial Disputes Act 1947- Section 2 (ra) read with Entry No.10 of Fifty Schedule and Section 25 (t) and 25 (u) REGularisation of daily wagers- work which was being done by concerned workmen and same as that of permanent workmen of appellant- Panchayat – they have also been working for similar number of hours- However, discrepancy in payment of wages/ Salary between permanent and non permanent workmen is alarming and same has to be construed as being unfair labour practice- there is no restriction for recruitment of workmen in panchayat set up- there would be no difficulty for appellant – panchayat to bear extra cost for payment of wages/salary and other monetary benefits to concerned workmen if they are made permanent- Principle “ equal work equal pay” has been violated by appellant panchayat as they have been treating concerned workmen unfairly- Services of concerned workmen are permanent in nature since they have worked for more than 240 days in a calendar year for date of their initial appointment – High court rightly not interfered with award of Labour Court as same is legal and supported with cogent and valid reasons- Appeal dismissed.**

31. In addition to above in Ext W- 15 it has also been stated in that report that in Bokaro Steel Plant (SAIL), that contract workers have been categorized as category A and B. The contractor workers of Category A had been offered VRS by the management of Bokaro Steel Plant and contract workers opted for it but which was discontinued from 2002. It is also mentioned that the contractor changes but the workers continue to do the same job continuously in the main production departments of the plant since more than two decades.

32. Ext-W-32 it is the document of management of BSL issued by personal Department (Contract Labour Cell) stated to be issued with the approval of the competent Authority, for revision of rated of wages and allowance for contract workers has been conveyed to Asstt. General Manager I/C . In that latter in a Note it has been stated by CPM (P/W) that engaged contract workers participating in work stoppage for more than two hours will lose special allowance payable them for six days.

33. As per Ext W-5 and W-20 series written by the various concerned authorities of the management, It is a Note sheet of various dated submitted to the respective higher authority for approval, in which it is noticed that the job being under taken by the listed workers are of continued and permanent including urgent nature which are directly related to production, dispatch and sale of the company. It is also noticed that most of the case, the contract workers are allowed to work under the direct supervision and control of the management when work period of the existing work order get expired, in the intervening period till fresh work order is issued. As well as in that situation wages is also paid by the management to the concerned workmen not only this the PF Accounts and contribution is also maintained by the Board of PF trustee of Bokaro Steel Plant and for that annual PF statement is also issued by the company to the workmen concerned.

34. As per WW-3 some workmen is categorized as A category it is also verified by Ext-W-8 stand to prove that Cat-A contractor workers, they are appointed and their service are dispensed with by management. WW-4 is admitted that some contract work is permanent nature of job. This also reported by ALC, Bokaro and State Advisory Board that works listed in this case is permanent nature of job which is done by the concerned workmen continuously without any break. But is also seen that CL and holiday also allowed to the workmen. In view of judgement of Supreme Court reported in **AIR 1986 SC 132 RBI Vs Tikka Mazdoor**, All Sunday & paid holiday shall be taken into Account for calculation of 240 days as provided U/S 25 B of I.D.Act.

35. As per fifth Schedule of I.D Act, 1947, it is pertinent to mention here that “ To employ workmen as badlis , casual, temporaries and to continue them as such for years with the object of depriving them of the status and privileges of permanent workmen”.

36. As per Ext W-8 it also noticed that category A contractor workers, they are appointed and their services are dispensed with by the intervention of management which is supported by MW-3. It is also noticed that slabing mill, HRCF and traffic department is doing the job of cleaning, which is prohibited category work. In this context the one judgement of 2700 worker in Bombay Tribunal of Municipal corporation of Mumbai Vs Kachara Vahtuk Shramik Sang in Reference 13/2007 goes in favour of workmen which is confirmed by High Court Bombay in writ petition 11519 of 2014 and also confirmed by Hon'ble Supreme Court in civil Appeal No. 4929 of 2017 in which cleaning job is permanent category work, but abolished.

37. In view of above facts it is proved that all concerned workmen are working continuously for 20-25 years, even in cleaning job hence now the workmen concerned were worked more than 240 days in direct related to production in supervision by management. Production work is continuous work without break, it means all workmen are working continuously. On conclusion it find that the contract system of company Bokaro Steel Plant (SAIL) is camouflage and smoke screen which deprive the contract workmen from getting legitimate benefits and for that in that case they deserved regularisation.

38. As per order of Supreme court (L&S) 451 Sudarshan Rajpoot vs Uttar Pradesh State Road Transport Corporation in Civil Appeal Nos. 10355-54 of 2014 decided on 18 Nov. 2014 some portion is quoted below :-

**“Industrial Dispute Act, 1947 S-2 (ra) r/w Ss25 T, S, 25 U and sch-V Item 10 -Prohibition from engaging workman as badlis, casual or temporary to work on permanent basis – service of appellant workmen who was continuously working for more than 3 years and had rendered more than 240 days of service in calendar year terminated without notice- Held extracting work of permanent nature continuously for more than three years on contract basis is statutorily prohibited and hence impermissible – same amount to unfair Labour practice and is punishable.”**

39. Facts are not disputed but it is said that the contractor workers were engaged by them and they are paying the wages to them though intermediaries but production is done by the concerned workmen for management and profits is also taken by the management which is proved. All listed work is permanent nature of job and company is running and factory is generating the production. In these circumstances when the workmen were rendering permanent nature of work they are to be benefited at par with regular employee. It is directed as under:

- (i) The workmen who have rendering service and it appears that their EPF has been deducted, their EPF contribution and their accumulation be given to them or their legal representative immediately if any.
- (ii) Each workmen be given lump-sum-Rs.1,00,000/- in lieu of their regularisation who are already died or attained age of superannuation, either to their LR or the retired workmen as the case may be for the ends of justice.
- (ii) Considering the facts and circumstances of this case the contract workers as per list enclosed be regularized from date of reference phase wise by the management of Bokaro Steel Plant SAIL in any department and the departments in which they are working within 30 days from the publication of the award, if the award is not implemented within 30 days, the management to give the workmen back wages from the date of publication of award.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.148.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 50/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-17012/34/2013-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.148.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Life Insurance Corporation of India and their workman, which was received by the Central Government on 19.01.2018.

[No. L-17012/34/2013-IR (M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 19th day of December, 2017

**INDUSTRIAL DISPUTE No. 50/2014**



**Between :**

Sri P. Ramesh,  
S/o P. Ramu,  
D.No.5-123, Sivalayam Temple Street,  
Poranki (P.O.) Penamaluru (M).  
Krishna District

...Petitioner

**AND**

1. The Sr. Divisional Manager,  
LIC of India, Divisional Office,  
Kennedy Road, Machilipatnam (AP).
2. The Branch Manager,  
LIC of India, CB-III Branch,  
Swarnalok complex, Eluru Road,  
Governor Pet, P.B. No.318,  
Vijayawada – 520002

...Respondent

**Appearances:**

For the Petitioner : None  
For the Respondent : Representative

**AWARD**

The Government of India, Ministry of Labour by its order No. L- 17012/34/ 2013-IR(M) dated 5.3.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of LIC of India, and their workman. The reference is,

**SCHEDULE**

“Whether the removal from service of Shri P. Ramesh, Ex-Temp. Class-IV, LIC of India, Vijayawada, CB-III branch w.e.f. 21.1.2013, is legal and justified? If not, what relief the applicant is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 50/2014 and notices were issued to the parties concerned.

2. The case stands posted for filing of claim statement and documents by the Petitioner.
3. In spite of repeated calls, the Petitioner did not turn up. Several opportunities have been given to the Petitioner to attend the court to prosecute his case. But the Petitioner failed to attend this Tribunal which clearly indicates that the dispute of the Petitioner has already been settled and the Petitioner has nothing to claim. Hence, a ‘No dispute’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 19<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

**Appendix of evidence**

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 22 जनवरी, 2018

**का.आ.149.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारत पेट्रोलियम कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 61/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-30012/67/2013-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.149.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 61/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bharat Petroleum Corporation Ltd. and other and their workman, which was received by the Central Government on 19.01.2018.

[No. L-30012/67/2013-IR (M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

**Present :** Sri Muralidhar Pradhan, Presiding Officer

Dated : the 19th day of December, 2017

#### INDUSTRIAL DISPUTE No. 61/2014

#### Between :

Sri Ch. Nageswara Rao,  
S/o Rama Rao,  
D.No.7-67, Sivlayam Veedhi,  
Kasimkota (Village and Mandal)  
Visakhapatnam district

...Petitioner

#### AND

1. The OSTS Manager,  
Bharat Petroleum Corporation Ltd.,  
Visakha Territory (Retail), Post Box No.213,  
Near Naval Dockyard, Visakhapatnam – 530014.

2. Lt.Col. (Retd.) V. N. Raju,  
D.No.43-18-168, First Floor,  
Venkataraju Nagar, T.S.N. Colony,  
Dondaparthi, Visakhapatnam -530016

...Respondent

#### Appearances:

For the Petitioner : M/s. Dr. R. Sreeramulu & R. Praveena, Advocates

For the Respondent : M/s. K. Srinivasa Murthy, V. Uma Devi & N. Srinivas, Advocates

#### AWARD

The Government of India, Ministry of Labour by its order No. L- 30012/ 67/2013-IR(M) dated 1/4/2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 requiring this forum to decide the question:

**SCHEDULE**

“Whether the action of the management of Lt.Col (Retd.) Vegi Nooka Raju, Contractor as well as Bharat Petroleum Corporation Ltd., Visakha Territory (Retail) Visakhapatnam in terminating the services of Sh. C. Nageswara Rao, Ex-filling Boy, Kasimkota Petrol Bunk (Contract Worker) w.e.f. 30.11.2007 is legal and/or justified? If not, to what relief the workman concerned is entitled for?”

On receipt of the reference this Tribunal has registered and numbered the reference as I.D. No. 61/2014 and issued notices to both the workman and the management. They both appeared before the court and engaged their respective counsels with the leave of the court and consent of either party.

2. **The averments made in the claim statement in brief are as follows:**

The workman was working in the management company through contractor since 19.8.2002 as Filling Boy and through out his service period he has given performance to the satisfaction of the management. It is submitted that the management is doing retail/wholesale selling of petrol through its outlet bunk situated at Kasimkota. While so, on 17.11.2007 when the workman was in his duty as Filling Boy, Labour Inspector Shri K.V.S. Sarma visited the bunk of the first management for inspection. During inspection, the Labour inspector questioned the workmen who were working in the bunk, in presence of the Bunk management, Sales Officer and the contractor Shri Vegi Nooka Raju, whether the management is paying wages regularly or not. By that time as the second management is due to pay one month wages to the workers, the said fact was brought to the notice of the Labour Inspector by the workman. The Labour Inspector in turn warned the management that action will be taken, if they do not pay the wages in time to the workers in future. Keeping grudge on the information given to the Labour Inspector on the previous day, the management without showing any cause and without issuing any notice, removed the workman from services. When the workman asked the management why he was removed from services, the sales contractor Mr. Vegi Nooka Raju called the workman into his chamber and hit the workman on his right cheek and directed the workman to go to his house and bring his parents immediately or bring an apology letter from his parents stating that their son will not interfere with the issues of the bunk by giving such information like the above to the third party like Statutory Authority etc. The workman was threatened in the room and was asked to obtain an undertaking letter from his parents stating that he will not disclose anything to the third party about the management company. It is also threatened that unless the workman gives that letter they will not reinstate him. Having no option under coercive situation, the workman and his parents executed an undertaking letter and gave it to the management. But the management has not kept their word to reinstate the workman. It is submitted that the workman was removed from the services basing on the instructions of BPCL management. It is also submitted that with an ill-intention a letter was taken by the management forcibly from the workman on the ground of the workman's ill-health he will not work. The workman submits that he made rounds around the management for about six years and it was in vain. He made representation to the District Collector in prajavani, which was forwarded to the Deputy Commissioner of Labour, which in turn marked to the Joint Labour Officer, Anakapalli, who in turn called the management to appear before the authority on 19.12.2009. Though the management agreed before the Labour Authority to reinstate the workman and sought five days time to do the same. But, inspite of such assurance, the workman was not reinstated into service by the management, the workman finally approached the Assistant Labour Commissioner (C) for redressal of his grievance. Hence, the reference. It is further stated that the workman served from 19.8.2002 to 30.11.2007 in the bunk of the management as Filling boy and during the above said period the management had deducted around Rs.50,000/- towards PF and ESI from the salary of the workman and out of the above amount, he was paid only Rs.5000/-, after getting a letter forcibly which was projected as a purported resignation. The workman submitted that he has not given any resignation as such and management No.2 had virtually and factually terminated the workman from the service illegally. The workman has been terminated from service without valid reason and without issuing any notice which contravenes the legal provisions and also tantamounts to unfair labour practice. The old parents of the workman are entirely depending on him for their livelihood. Therefore the workman has prayed to direct the management to reinstate him with continuity of service with back wages and with all attendant benefits.

3. The Respondent management appeared and did not submit their respective counters and as such, the management is set ex-parte.

4. The Petitioner workman filed his chief evidence affidavit and marked thirteen documents as Ex.W1 to W13. But the Respondents Management though appeared, did not prefer to file their counter.

5. I have already heard the Learned Counsel for the Petitioner and perused the evidence adduced so far from the side of the workman.

6. **The points for determination of this case are:-**

- I. Whether the action of the management of Lt.Col(Retd) Vegi Nooka Raju, Contractor as well as Bharat Petroleum Corporation Ltd., Visakha Territory (Retail) Visakhapatnam in terminating the services of

Sh. C. Nageswara Rao, Ex-filling Boy, Kasikmkota Petrol Bunk (Contract Worker) w.e.f. 30.11.2007 is legal and/or justified?

II. If not, to what relief the workman concerned is entitled for?"

7. **Point No. I :** The Learned Counsel appearing on behalf of the Petitioner contended that the workman was working as filling boy in the Respondent management through a contractor since 19.8.2002 and since the day of inception of his service he has given good performance to the management up to its satisfaction. The management is doing retail/wholesale selling of petrol through its outlet bunk situated at Kasimkota. On 17.11.2007 while the workman was in his duty as Filling Boy, Labour Inspector Shri K.V.S. Sarma visited the bunk of the management for inspection and during the course of inspection, the Labour inspector questioned the workman in presence of the Bunk management, Sales Officer and contractor Shri Vegi Nooka Raju, who was working in the bunk, whether the management is paying wages regularly or not. During that time as the second management is due to pay one month wages to the workers, the above fact was brought to the notice of the Labour Inspector. Immediately, the Labour Inspector warned the management that action will be taken, if they do not pay the wages to the workers in time. Keeping grudge on the information given to the Labour Inspector by the workman on the previous day, the management without showing any cause and without issuing any notice, removed the workman from services and when the workman asked the management about his removal from services, sales contractor Mr. Vegi Nooka Raju called the workman into his chamber and assaulted the workman on his right cheek giving slaps and directed the workman to go to his house and bring his parents immediately and also bring an apology letter from his parents stating that he will not interfere with the issues of the bunk. The workman was threatened in the room and was asked to obtain an undertaking letter. The Management also threatened the workman that unless such an undertaking was given, they will not reinstate him. Having no option under coercive situation, the workman and his parents executed an undertaking letter and gave it to the management. It is further contended that the management did not keep its word to reinstate the workman and the Management removed the workman from the services basing on the instructions of BPCL management. It is also contended that with an ill-intention a letter was taken by the management forcibly from the workman on the ground of the workman's ill-health that he will not work in the Management. The workman moved round the management for about six years for his reinstatement but it was in vain. He made representation to the District Collector in prajavani, which was forwarded to the Deputy Commissioner of Labour, which in turn marked to the Joint Labour Officer, Anakapalli, who in turn called the management to appear before the authority. Though the management agreed before the Labour Authority to reinstate the workman in service and sought five days time to do the same. But, inspite of such assurance, the workman was not reinstated into service by the management, and the workman finally approached the Assistant Labour Commissioner (C) for redressal of his grievance. Thereafter, the matter was referred to the Ministry of Labour and Employment. It is submitted that during the service period the management had deducted around Rs.50,000/- towards PF and ESI from the salary of the workman, and out of the above amount, he was paid only Rs.5000/- after getting a letter forcibly which was projected as a purported resignation letter. The Learned Counsel for the Petitioner also contended that the workman has been terminated from service without valid reason and issuing any notice which contravenes the legal provisions and also tantamounts to unfair labour practice. After removal from service the workman is suffering like anything. He is unable to maintain his family and also to provide a square meal to his old parents. Under the above circumstances the workman be reinstated into service.

8. The Petitioner has been examined himself as WW1 and also filed his chief evidence affidavit. The averments made in the chief evidence affidavit fully supports the submission made by the Learned Counsel for the Petitioner. WW1 also proved 13 documents which are marked as Ex.W1 to W13. In spite of service of notice, the Respondents did not turn up to challenge the claim of the Petitioner. The sole unchallenged testimony of the workman finds support from the averments made in the claim statement.

9. Admittedly the workman was working as a filling boy in the bunk of the Respondent management, and while the workman is in service, the Respondent illegally terminated him. But, at the time of termination, the Respondent has not issued any notice to him. Law is well settled that, if the services of a workman are terminated in violation of any of the provisions of the Industrial Disputes Act, 1947, such termination is unlawful and ineffective and the workman would ordinarily be entitled to reinstatement with the payment of full back wages.

10. Further more, in this case, the workman, was engaged as a Filler boy and has discharged his duty through out the year like that of a permanent worker but the Respondent management has engaged the workman through the contractors, which the Management was not empowered to do. The Respondents have adopted such practice for appointment of the workman through contractor only to exploit the labourers. The work done by the workman appears to be perennial in nature and the Respondent management can not engage the workmen through contractors when the work done by the workman is perennial in nature. Engagement of contract labour has been found to be unjustified by a catena of decisions of the Apex Court. When the work of the Petitioner is of perennial in nature and inspite of engaging regular workmen, the system of contract labour is resorted to, it would only be for fulfilling the basic purpose

of securing monetary advantage to the Principal Employer by reducing expenditure on work fords. It would obviously be an unfair labour practice and is also an economically short sighted and unsound policy, both from the point of view of undertaking concerned and the country as a whole. In this case, the management had adopted unfair labour practice only to exploit the labourers. Further more, without serving any notice, as required under Sec.25F of the Industrial Disputes Act, 1947 the management has terminated the services of the workman. Section 25F stipulates mandatory conditions precedent to retrenchment of workmen that any order of retrenchment in violation of Sec.25F will render retrenchment order illegal. If any part of the provisions of Section 25F is violated and the employer thereby, resorts to unfair trade practice with the object to deprive the workman with the privilege as provided under the Act, the employer can not justify such an action by taking a plea that the initial appointment of the employee was in violation of Article 14 & 16 of the Constitution. In this case the management has not complied with the mandatory provisions required under Sec.25F of the Industrial Disputes Act, 1947 and as such the workman is entitled to be reinstated into service. Thus, it can safely be said that the action of the management is not legal and justified.

Thus, Point No.I, is answered accordingly.

11. **Point No. II :** In view of the discussion made in Point No.I, as the Respondents have not shown the reasons for retrenchment of the workman and even the workman was not in receipt of any notice of termination or notice pay/one month pay and further the workman was not paid any retrenchment compensation of 15 days average pay for every completed year of service, the workman is entitled to be reinstated into service.

Thus, Point No.II is answered accordingly.

### **Result:**

In view of the fore gone discussion, the reference is answered as follows:

The action of the management of Lt.Col(Retd) Vegi Nooka Raju, Contractor as well as Bharat Petroleum Corporation Ltd., Visakha Territory (Retail) Visakhapatnam in terminating the services of Sh. C. Nageswara Rao, Ex-filling Boy, Kasimkota Petrol Bunk (Contract Worker) w.e.f. 30.11.2007 is neither legal nor justified. The Respondents are directed to reinstate the Petitioner workman in duty without back wages as a Filler in their Bunk within a period of two months from the date of receipt of the award. It is further directed that if the Petitioner/workman is not eligible under the rules for his appointment as a Filler boy, the Respondents are at liberty to retrench the Petitioner only by following the procedure laid down for retrenchment under the relevant Act.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 19<sup>th</sup> day of December, 2017.

MURALIDHAR PRADHAN, Presiding Officer

### **Appendix of evidence**

Witnesses examined for the Petitioner

Witnesses examined for the Respondent

WW1: Sri Ch. Nageswara Rao

NIL

### **Documents marked for the Petitioner**

- |        |  |
|--------|--|
| Ex.W1: | Photostat copy of identity badge issued in the year 2002   |
| Ex.W2: | Photostat copy of identity badge issued by Manager, Bharat Petroleum, Anakapalli, NH-5, Kasimkota  |
| Ex.W3: | Photostat copy of Annual statement of P.F. Contribution of the workman for the year 2006-2007  |
| Ex.W4: | Photostat copy of wage sheet   |
| Ex.W5: | Photostat copy of witness of the co-workers on the termination of WW1  |
| Ex.W6: | Photostat copy of complaint No.6131 dt.24.11.2009 through prajavani to Dy. Commissioner of Labour, Visakhapatnam by District Collectorate                  |
| Ex.W7: | Photostat copy of Lr. from the office of Dy. Commissioner of Labour, Visakhapatnam to Assistant Labour Commissioner (C), Circle-I, Anakapalli dt.4.12.2009 |
| Ex.W8: | Photostat copy of Lr. dt. 19.12.2009 to Mr. Vegi Nooka Raju by Assistant Labour Commissioner (C), Anakapalli   |
| Ex.W9: | Photostat copy of Lr. dt. 12.1.2010 to Territory Manager by Assistant Labour Commissioner (C)  |

- Ex.W10: Photostat copy of proceeding of Assistant Labour Commissioner(C) dt. 5.1.2010  
 Ex.W11: Photostat copy of Ir. to Central Labour Commissioner, Visakhapatnam  
 Ex.W12: Photostat copy of Ir. Central Labour Commissioner, Visakhapatnam  
 Ex.W13: Photostat copy of minutes of conciliation proceedings dt. 20.8.2013

**Documents marked for the Respondent**

NIL

नई दिल्ली, 22 जनवरी, 2018

**का.आ.150.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स महानिदेशक, भारतीय पुरातत्व सर्वेक्षण, नई दिल्ली और अन्य एवं उनके कर्मचारी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 14/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15.01.2018 को प्राप्त हुआ था।

[सं. एल-42012/05/2016-आईआर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.150.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2016) of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the Director General, Archeological Survey of India, New Delhi & others and their workman, which was received by the Central Government on 15.01.2018.

[No. L-42012/05/2016-IR (DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**

**BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT/LOK ADALAT, KANPUR**

**Industrial Dispute No. 14 of 2016**

**Between :**

Shri Rakesh Kumar S/o Shri Chheeter Singh,  
 Vill.- Dahraura, PO-Dahtaura,  
 Agra (U.P.) - 282007

**Versus**

1. The Director General,  
 Archeological Survey of India,  
 Janpath,  
 New Delhi- 110011
2. The Superintending Archeologist,  
 Archeological Survey of India,  
 Agra Circle, 22, Mall Road,  
 Agra(U.P.) -282001

**AWARD**

1. Central Government, MoL, vide notification No. L-42012/05/2016-IR (DU) dated 15.02.2016 has referred the following dispute for adjudication to this tribunal.
2. Whether the action of the management of Archaeological Survey of India, Agra in terminating the services of Shri Rakesh Kumar S/o Shri Chheeter Singh workman with effect from 01.01.2014 is just fair & legal? If not, to what relief the workman concerned is entitled to?

3. In the instant case a reference was referred to Central Government Industrial Tribunal cum Labor Court, Kanpur, whereupon notice to the claimant was issued under registered post by CGIT Kanpur for filing his claim in the case
4. Worker has filed his claim statement with the facts that he was working as casual labor with management from 1-04-2008 to 31-12-13 continuously and has worked for more than 240 days in every calendar year but he was retrenched and his services was terminated without giving any notice on 01-01-2014 and management has not complied with the provision of 25(F) of I.D ACT. It is also alleged that his attendance was taken on muster role and sometimes his wages were paid through vouchers in different names.
5. Management has filed w/s denying the facts alleged in claim statement. It is also alleged that worker has not worked continuously for more than 240 days and has also not worked during the period as alleged in claim statement and his services was never terminated by management. It is also alleged that there is no relationship of employee and employer between the parties and therefore worker is not entitled to any relief.
6. Worker has not filed any rejoinder.
7. Parties have not filed any oral or documentary evidence. It is initial burden of worker to prove that he has worked for more than 240 days continuously preceding alleged termination. Worker has also not filed any voucher nor examined himself. Therefore worker is utterly failed to prove his case for want of oral and documentary evidence as such worker is not entitled to any relief.
8. The reference is answered against worker and it is held that worker has failed to prove his case for want of oral and documentary evidence and he is not entitled to any relief.
9. Award is passed accordingly against worker.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.151.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय विमानपत्तन प्राधिकरण के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 14/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-11011/12/2002-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.151.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2003) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Airport Authority of India and their workman, which was received by the Central Government on 19.01.2018.

[No. L-11011/12/2002-IR (M)]

D. K. HIMANSHU, Under Secy.

### ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

**Present :**

Shri B.C. Rath,  
Presiding Officer, C.G.I.T.-cum-Labour  
Court, Bhubaneswar

**INDUSTRIAL DISPUTE CASE NO. 14/2003**

**Date of Passing Award – 18<sup>th</sup> December, 2017**

**Between :**

1. The Director, Airport Authority of India,  
Biju Pattnaik Airport, Bhubaneswar,  
Orissa. Pin – 751 009.
2. The Senior Manager (Electrical), Engg. Wing,  
Airports Authority of India, Biju Pattnaik  
Airport, Bhubaneswar

...1<sup>st</sup> Party-Managements**(And)**

The General Secretary,  
Biju Pattnaik Bimana Bandar Thika  
Mazdoor Sangh, Plot No. 219/A,  
Mancheswar Industrial Estate,  
Bhubaneswar, Orissa – 751 010

...2<sup>nd</sup> Party-Union**Appearances :**

- M/s. S. Pattnaik, Advocate                   ...           For the 1<sup>st</sup> Party-Managements.
- M/s. Subrat Mishra, Advocate           ...           For the 2<sup>nd</sup> Party-Union.

**AWARD**

The Government of India in the Ministry of Labour in exercising its authority conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act (herein after referred to as “the Act”) have referred a dispute between the Management of the Director, Biju Pattnaik Airport and allegedly its workmen vide letter No. L-11011/12/2002 – IR(M), dated 31.03.2003 for its adjudication and the schedule of the reference is as follows:-

“Whether the action of the management of Airport Authority of India in relation to their Biju Pattnaik Airport, Bhubaneswar not to regularise the services of sixteen contract labourers as per list enclosed as well as not giving them equal pay for equal work at par with various categories of employee employed in their own establishment considering their length of service, experience and essentiality to the Organization is legal & justified? If not, what relief the workmen are entitled to?”

2. The case of the disputant workmen, as revealed from their statement of claim, is that they are engaged under different contractors from time to time for doing day to day maintenance and operation of air conditioning plant, generator sets, electrical installations, electrical maintenance of high-mast towers, car parks, flood lights, street lights etc. and to maintain proper air traffic and air transport service as well as to maintain adequate safety device in the establishment of the Management. It is alleged that the work performed by the disputants are permanent and perennial in nature and they have been working continuously and uninterruptedly since long under the direct control and supervision of the officers of the Management. It is also averred that by virtue of notification dated 16.11.1999 published in the official gazette by the Government of India under section 10(1) of Contract Labour (R & A) Act the employment of such contract labourers in the jobs, operation and processes specified in the schedule appended to the notice was prohibited with effect from 16.11.1999. Despite such prohibition of contract labour system in the establishment of the Management their services were neither regularized nor permanent status was conferred on them. To deny them their legal and legitimate entitlements the Management has taken a recourse of sham arrangement of so called contract system. Such system is a smoke screen only though in reality the real employer is the Management. It has been further averred that they are performing the same work which their counter-parts in regular service are doing and as such they are also entitled to the wages and other financial benefits at par given to the regular employees in view of the principle of “equal pay for equal work”. That being the facts the services of the disputants are to be regularized by the Management and they are entitled to receive the wages and other financial benefits, which are extended to a regular employee of the same class. As the Management paid no heed to their genuine demand, they raised a dispute before the labour machinery resulting in the present reference.

3. The Management has filed its written statement refuting the pleadings advanced by the disputants and averred that it is not known whether the disputants are working continuously and uninterruptedly under any contractor for maintenance of air conditioning plant, generator sets, electrical installations etc. According to it the contractors are engaged and entrusted with the works of maintenance and installation of air conditioning generator sets, electrical installations, etc. works from time to time through open tender process. The disputant, may being employed and paid by those contractors, are standing in different footing than the regular employees of the Management. Their nature of job is not identical to the duties discharged by the regular employees as much as responsibility, reliability and



confidentiality are concerned. As such, the disputant can neither be regularized in service nor they can be paid wages similar to the wages paid to the regular employees. According to the Management no provision has been incorporated in the Contract Labour (R & A) Act for absorption or regularization of workers engaged by the contractors in the event of issuance of notification under section 10(1) of the Act. It is further pleaded that the gazette notification dated 16.11.1999 whereby engagement of contract labour was prohibited is quashed by the Hon'ble High Court of Delhi in a Civil Writ Petition No. 6540/1999 and as such, the contention raised by the disputants that their services should have been regularized in the event of the alleged notification and they being employed for the work of permanent and perennial in nature has no merit. Therefore, the Management has strenuously contended that the claim of the disputants has neither any merit nor it is tenable in the eye of law.

4. On the aforesaid pleadings of the parties following issues have been settled for effective adjudication of the dispute.

### ISSUES

1. Whether the 16 numbers of contract labourers (as per list) deserve to be regularized by the Management.
2. Whether the aforesaid contract labourers are entitled to get equal pay at par with their counter-part regular employees under the principle of equal pay for equal work?
3. If not, to what relief the contract labourers are entitled?

5. The 2<sup>nd</sup> party-Union has examined one of the disputants workman namely Shri Abhimanyu Mallick and exhibited Xerox copies of the documents like copy of the letter of demand for regularization of services filed before the A.L.C.(C) dated 28.9.2001, copy of the gazette notification of the Ministry of Labour prohibiting certain employment pertaining to contract workers, copy of the registration of Trade Union under Trade Union Act, copy of the affiliation certificate of the Trade Union and copies of different educational qualification certificates, experience certificates etc. in support of the claims advanced by the disputants marked Ext.-1 to 5 whereas the Management has examined two witnesses including Shri Mukesh Yadav who is working as Asst. General Manager Engg. (Elect), to refute the claim of the disputants.

### FINDINGS

6. Coming to the first issue whether the Management is legally bound to regularize the services of 16 contract labourers it is seen from the pleadings advanced in the claim statement of the 2<sup>nd</sup> party-Union and the evidence adduced by them that no specific and clear cut stand is taken by the disputants that they were actually employed or appointed by the Management before the gazette notification dated 16.11.1999 prohibiting engagement of contract labourers or they were paid wages directly by the Management. It is not also pleaded or in evidence of the 2<sup>nd</sup> party-Union that their services were hired in paper transaction only after abolition of contract labour system by virtue of the gazette notification. It is not also denied by the disputants that contractors were engaged or entrusted to do the maintenance work of the air conditioner, electrical installation etc. There is also nothing specific either in the claim statement or in the oral testimony of the W.W.-1 that they are working directly under the control and supervision of the officers of the Management or their official conduct is being regulated by the Management. It has not been pleaded or adduced in evidence that the disputants are being shown as contract labourers. Nothing specific is also advanced either in the pleading or in evidence to claim that there was no agreement in regard to engagement of contract labourers or the agreement if any was sham and camouflage to deny statutory benefits to the disputants. It is not specifically claimed by the disputants either in the pleading or in evidence that the contractors and the Management have not complied with the requirements of Section 7 and 12 of the Contractor Labour (R & A) Act while engaging them in day to day maintenance work in air conditioning plant and other departments. The term of the reference is also silent if the Tribunal is required to find out the engagement of disputant workman as contract labourers was sham and camouflage.

7. It is argued on behalf of the Management that in absence of specific pleading and the term of reference being silent as to whether the contract system is sham or a camouflage, the Tribunal has no scope to go beyond the terms of reference to determine whether relationship of "employer and employee" exists between the parties or to determine whether the disputants are deemed to be the employees of the Management in view of contract system being found sham or a camouflage. To counter this argument the learned counsel for the 2<sup>nd</sup> party-Union has cited the decisions in the case of International Airport Authority Employees Union & Anr. –versus- International Airport Authority of India & Ors. (2000(8) Supreme 286, Pola Satyanarayana And Others –Versus- Secretary, Government of India (2000) IILLJ 1278 AP, and International Air Cargo Workers Union –versus – International Airport Authority of India and Others (2002) 2 LLJ 79 and forcefully contended that the facts and circumstances of the present case being identical to the above noted cases, the principles and observations set out by the Hon'ble Apex Court are applicable in the instant case and the disputants are deemed to be the employees of the 1<sup>st</sup> Party in view of the Management having failed to produce

any document or agreement between it and the contractors to prove their stand that the disputants were never employed as contract labourers or they worked under any contractor in any point of time. Admittedly, in the case at hand no contractor has been named either by the parties or in the term of reference. On a close reading of the decisions relied upon by the disputants it is seen that the workmen in those cases had, through-out the proceedings contended that though they were the employees of the principal employer they were shown as the employees of the contractor in paper transactions only and the contract/agreement, if any, was sham or a camouflage. But in the instant case no specific stand is either mentioned in the term of reference or in the pleadings of the disputants that their engagement by the contractor is shown by virtue of a contract/agreement which is sham or a camouflage. In the case of International Airport Authority of India –versus- International Air Cargo Workers Union & Another in Civil Appeal No. 2244 of 2002 relied upon by the Management the Hon'ble Apex Court keeping in view its own decision in the case of Gujarat Electricity Board have observed in the following terms:-

“...the exclusive authority to decide whether the contract labour should be abolished or not is that of the appropriate Government under the said provision. It is further not disputed before us that the decision of the Government is final subject, of course, to the judicial review on the usual grounds. However, as stated earlier, the exclusive jurisdiction of the appropriate Government under Section 10 of the Act arises only where the labour contract is genuine and the question whether the contract is genuine, or not can be examined and adjudicated upon by the court or the industrial adjudicator, as the case may be. Hence in such cases, the workmen can make a grievance that there is no genuine contract and that they are in fact the employees of the principal employer.

If the contract is sham or not genuine, the workmen of the so called contractor can raise an industrial dispute for declaring that they were always the employees of the principal employer and for claiming the appropriate service conditions. When such dispute is raised, it is not a dispute for abolition of the labour contract and hence the provisions of Section 10 of the Act will not bar either the raising or the adjudication of the dispute. When such dispute is raised, the industrial adjudicator has to decide whether the contract is sham or genuine. It is only if the adjudicator comes to the conclusion that the contract is sham, that he will have jurisdiction to adjudicate the dispute. If, however, he comes to the conclusion that the contract is genuine, he may refer the workmen to the appropriate Government for abolition of the contract labour under Section 10 of the Act and keep the dispute pending. However, he can do so fit the dispute is espoused by the direct workmen of the principal employer. If the workmen of the principal employer have not espoused the dispute, the adjudicator, after coming to the conclusion that the contract is genuine, has to reject the reference, the dispute being not an industrial dispute within the meaning of Section 2(k) of the I.D. Act. He will not be competent to give any relief to the workmen of the erstwhile contractor even if the labour contract is abolished by the appropriate Government under section 10 of the Act.”

8. Keeping in view the specific stand of the disputants that a notification under section 10(1) of C.L. (R&A) Act has been issued prohibiting engagement of contract labours in the establishment of the Management and in absence of wording in the reference “whether engagement of the disputants was a sham or a camouflage” or in the pleadings advanced in the claim statement in this regard, the argument advanced by the Management that it is only the appropriate government which has the authority to take any action under section 10(1) of the said Contract Labour Act cannot be out-rightly rejected. Further, in the case of Ram Singh –versus- Union territory, Chandigarh, AIR 2004 SC 969 it is observed that the industrial adjudicator is required to consider the question as to whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labourers for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit there-under. If the contract is found to be not genuine the so-called contract labourers will have to be treated as the employees of the principal employer and they shall be directed to be regularized in the establishment of the principal employer. It is further observed that in determining the relationship of employer and employee “control” is one of the important tests. However, all other relevant facts and circumstances are required to be considered including the terms and conditions of the contract. It is also observed that “integration test” is one of the relevant tests which is applied by examining whether the person was fully integrated into the employer’s concern or remained apart from and independent of it. Facts which may be relevant are who has the power to select and dismiss, to pay remuneration, deduct insurance contribution, organize the work, supply tools and materials, and what are the mutual obligations between them. In *General Manager (OSD) Bengal Nagpur Cotton Mills, Rajanandagaon –versus- Bharat Lal*, 2011 (128) FLR 560 it is laid down that two of the well recognized tests to find out whether the contract labourers are the direct employees of the principal employer are (i) whether the principal employer pays the salary instead of the contractor; and (ii) whether the principal employer controls and supervises the work of the employee.

9. In *International Air Port Authorities –versus- International Airport Cargo Workers Union*, 2009 (123) FLR 321 (S.C) it is observed that if the contract is for supply of labour necessarily the labour supplied by the contractor will

work under the direction, supervision and control of the principal employer, but that would not make the worker a direct employee of the principal employer, if the salary is paid by the contractor, if the right to regulate employment is with the contractor and the ultimate supervision and control lies with the contractor. It is further observed that the principal employer only controls and directs the work to be done by a contract labourer when such labourer is assigned/allotted/sent to him. But, it is the contractor as employer, who chooses whether the worker is to be allotted/assigned to the principal employer or used otherwise. In short, the worker being the employee of the contractor, the ultimate supervision and control lies with the contractor as he decides where the employee will work and subject to what conditions. Only when the contractor send/assigns the workers to work under the principal employer, the worker works under the supervision and control of the principal employer but that is secondary control.

10. Keeping these principles in mind when the evidence on record is examined it is seen that the workmen, who has been examined as a witness, has not asserted in his evidence that he was appointed or he is under the employment of the Management and he is receiving his wages directly or indirectly from the Management or his duty was supervised or controlled by the Management. Except a bald and a sweeping version that disputants are engaged in different years since 1990 onwards, not a single scrap of paper or any document is filed in support of such assertion that the disputants were working in different capacities for a long period under the direct employment of the Management before the contract system was adopted by the Management. Law is well settled that initial burden lies on the workman to establish that he is under the employment of the Management and he worked under the Management for more than 240 days and mere oral assertions to that effect is not sufficient to discharge the initial onus of the workman. Neither the statement of claim nor the evidence advanced by the disputant discloses the manner in which the disputants were selected or given appointment. It cannot be over-sighted that the Management being a Central Government undertaking is required to follow the recruitment rules, guidelines and circulars for any appointment in its establishment. There is also no claim that the disputants were engaged against any sanctioned posts or vacancies. When the Management has taken a specific stand that the contractors have been engaged from year to year to look after the electrical installations and its maintenance and there was no employer and employee relationship between the parties, a heavy burden lies on the disputants to establish the said relationship. The Hon'ble Supreme Court have observed in the case of General Manager, (OSD), Bengal Nagpur (supra) that it is for the employees to aver and prove that he was paid salary directly by the principal employer and not by the contractor. In the reported cases the genuineness of the contract system was under consideration and the industrial Tribunal while deciding that the contract was a camouflage had placed the onus upon the principal employer to prove that the workman was being paid by the contractor. But, their lordships have observed that the Tribunal placed the onus wrongly upon the appellant. In the same judgement it is also observed that the employee did not establish that he was working under the direct control and supervision of the principal employer. Basing on such observations of the Hon'ble Apex Court it can be safely said that initial onus lies on the disputants to establish their relationship with the Management.

11. On the other hand the pleadings in the claim statement and oral evidence of W.W.-1 indicate that the disputants are working under the contractors. It is not also their claim that they have been shown contract labourers being hired through different contractors. They have not either pleaded or adduced any evidence that they were working as contract labourers. Similarly, no-where it is claimed specifically that they were working under the Management being employed by it directly. There is no averment that no contractor was ever engaged by the Management or there is no agreement between the Management or any contractor for such continuous work or engagement of contract labourers or there is no specific averment that agreement, if any, in this regard was sham and camouflage. On the other hand it is the stand of the Management that works of air condition plant maintenance, electrical installations and its maintenance works are being entrusted to the different contractors from time to time by adopting open tender process. At the same time the disputants have pleaded that they were working under the various contractors. Hence, there is no relationship of "employer and employee" between the parties. Law is well settled that the Labour Courts/Tribunals cannot travel beyond the terms of reference. It is also now settled law that where the workman claimed that the contract between the principal, employer and the contractor is sham and camouflage, he has to raise an industrial dispute to that effect and it is industrial adjudicator, who after going through the evidence and the terms and conditions of the contract and other circumstances has to decide whether the contract between the principal employer and the contractor is sham and camouflage. If the Industrial Adjudicator comes to conclusion that the contract is sham and camouflage, the industrial adjudicator can order the absorption of workman by the principal employer. In absence of any specific term in the schedule of reference in this regard as well as in the pleading that the contract between the principal employer and the contract is sham and camouflage and in the event of the disputants being working under the contractors and in absence of employer and employee relationship between the parties, the demand raised by the disputants are not tenable in the eye of law i.e. I.D. Act. The Tribunal cannot go beyond the pleading and evidence and pass award on sympathy and emotion on account of the disputants are working for a long period under a contractor for the cause of the Management.

12 For the discussions made above it is apparent that the 2<sup>nd</sup> party-workmen in this case do not seem to have raised neither a correct dispute nor approached the appropriate government with the contentions that the contract labour

system adopted by the Management was sham and camouflage or that the contract labour system should be abolished. Rather, it is coming-forth from their pleadings and evidence that they got referred a dispute that they were the employees of the Management and they were not being regularized and they were denied equal wages, that was being paid to their counter-parts who are in regular service of the Management. It is settled law that Labour Courts/Tribunals cannot travel beyond the terms of reference. If no reference has been made for determining whether the contract is sham and camouflage, the Labour Court/Tribunal cannot enter into this issue and decide whether the contract is sham and camouflage. The facts and circumstances of the decisions relied by the 2<sup>nd</sup> party-Union in support of their contention are clearly distinguishable to the facts and issues involved in the present case and as such they have no relevancy and they are not helpful to decide the fate of the present reference. The onus to prove the employer and employee relationship is always on the disputant workmen at the first instance. The disputants having failed to discharge such onus in a creditable and efficacious manner and in absence of any specific and clear-cut pleadings and evidence in regard to their initial appointment/engagement, payment of wages and supervision and control of their services by the Management, the Tribunal has no alternative than rejecting their claim for regularization of their service by the Management.

Coming to the other issue whether the disputant workmen are entitled to get equal pay at par to their counter-part in regular employment under the principles of “equal pay for equal work” it is pertinent to mention here that the specific stand of the Management is that the work of maintenance of electrical installations etc. are given to the contractors by inviting tenders from year to year. That being the stand of the Management, it is crystal clear that the Management has also denied the engagement of the disputants as contract labourers and it is their plea that work of cleaning, electrical installation and maintenance are being carried out through the contractors directly and the disputants might have been engaged by those contractors to carry out the works entrusted to the contractors. In view of such stand of the Management, a heavy burden also lies on the disputants to establish that they were working under the supervision of the principal employer being engaged as contract labourers. The 2<sup>nd</sup> party has also failed to establish their status of contract labourer engaged under the establishment of the Management. The disputants being found to be the employees of the contractor I am of the considered view that their claim for equal wages and financial benefits at par with the regular employees of the Management has no leg to stand in the eye of law. Had they been engaged as contract labourers or hired through a contractor to do the day to day work of the establishment of the Management under its control and supervision, their claim would have a legal sanction so far entitlement of minimum regular pay scale given to a regular employee is concerned in view of the principles set out by the Hon’ble Apex Court in the case of State of Punjab & Ors. –versus- Jagjit Singh & Ors. But, they are standing in a different footing being employees of contractors. From the pleadings and evidence of the parties it can be concluded at best that the services of the disputants are hired by different contractors from time to time to carry-out the work entrusted to the contractors in an open tender process and in that context the disputants cannot be said to have been discharging similar and same duties as discharged by the regular employees as much as to the responsibility, reliability and confidentiality of such regular employees are concerned. Hence, their demand for equal pay for equal work has no legal sanction. However, the Management may ensure that the disputants shall not be exploited by the contractors and they shall not be deprived of minimum wages as fixed by the Government from time to time.

For the discussions and analysis made above, the reference is answered against the 2<sup>nd</sup> party-Union and accordingly, the same is disposed of.

Dictated & Corrected by me.

B. C. RATH, Presiding officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.152.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सेल, बोकारो इस्पात संयंत्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 69/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-26012/22/2015-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.152.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2015) of the Central Government Industrial Tribunal-cum-Labour Court-2, Dhanbad now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. SAIL, Bokaro Steel Plant and their workman, which was received by the Central Government on 19.01.2018.

[No. L-26012/22/2015-IR (M)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD****PRESENT :** Shri R.K.Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

**REFERENCE NO 69 OF 2015**

**PARTIES :** Jt.Gen. Secretary,  
Bokaro Steel Rastriya Mazdoor Sangh,  
Qr. No. 175, Sector -III/D, Bokaro Steel  
Distt: Bokaro,

**Vs.**

The General Manager (P & A)  
SAIL, Bokaro Steel Plant,  
P.O. Bokaro Steel City  
Distt.Bokaro-827001

**Order No. L-26012/22/2015-IR(M) dt. 23.09.2015****APPEARANCES :**

On behalf of the workman/Union : : None

On behalf of the Management : Mr. D.K.Verma, Ld. Advocate

State : Jharkhand

Industry : Steel

Dated, Dhanbad, the 14<sup>th</sup> Dec., 2017**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-26012/22/2015-IR (M) dt.23.09.2015**

**SCHEDULE**

**“Whether the action of the Management of SAIL/Bokaro Steel Plant in not paying the salary for 53 days during the period from June, 2000 to May, 2001 to Sri S.N.Singh is fair and justified? If not, to what relief the concerned workman is entitled? ”**

2. Neither the workman nor any one on behalf of the Sponsoring Union is reported to be present on date nor did file the much-awaited WS due on them since long even after serving a fresh notice; whereas Mr. D.K.Verma, LD Advocate for the Management is present. not for this time but almost all along. Though Notices dt.5. 9.16 and the last one posting date on 06.01.2016 were mailed to the address of the Sponsoring Union referred in the Order of the Reference itself but to no avail. The case is relating to non-payment of salary of the workman for 53 days seeking relief therein by challenging the action of the Management.

From the perusal and materials on record it has been absolutely clear that case seems to be stalled over filing the W.S. an onus resting on the part of the Union / workman for over more than two years or so. Even after inception and rolling out as Reference, they failed to file the much awaited WS despite two notices and adjournments as much as more than ten times since 24.02.2016. This show the gesture that the workman is no more interested to get the instant case to final adjudication fuelling speculation that the case either must have been resolved out of Court or an issue of non-existent, as of now. Simultaneously the Tribunal do not differ over of the view of keeping the case rolling

merely for dates, is of no use rather wastage of time and energy even after adjournments for more than seven times , finally extract the conclusion of closing down for the end of the natural justice. Under these circumstances the case is closed; and an order of the “No Dispute Award” is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.153.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स अम्बुजा सीमेन्ट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 69/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. जेड-16025/3/2017-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.153.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2015) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Ambuja Cements Ltd. and their workman, which was received by the Central Government on 19.01.2018.

[No. Z-16025/3/2017-IR (M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, JAIPUR

BHARAT PANDEY, PRESIDING OFFICER

#### CGIT 69/2015

Sh. Brajesh Pandey  
S/o Sh. Dharmpal Pandey  
Pandey Niwas, Sendada Road,  
Byawar, Distt: Ajmer.

V/s

Unit Head  
Ambuja Cements Ltd.  
Unit Rabriyawas, P.O: Rabriyawas,  
The: Jaitaran, Distt: Pali (Raj.)

#### Present :

For the applicant : Sh. R.C. Jain, Representative.

For the non-applicant : Sh. R.K. Jain, Advocate

#### AWARD

Dated :15.11.2017

1. According to statement of claim dated 17.8.2015 filed u/s 2-A of I.D.Act, 1947 briefly fact of the case is that applicant Sh. Brajesh Pandey for the first time was appointed as Trainee Clerk on 12.8.1994 under non-applicant. On 28.3.96 he was engaged to the post of Junior Assistant & confirmed on this post on 11.4.96. Vide order dated 28.1.2005 his post of Junior Assistant was re-designated as Senior Assistant . Applicant after his first appointment worked continuously with establishment of the non-applicant till 27.2.15, the date on which his services were terminated by non-applicant.

2. The nature of the work of the applicant was permanent & was in existence till the date of his termination from service. It has been further contended that before termination of his service he was neither chargesheeted nor any enquiry was conducted before his dismissal, thus it is clear that his termination from service was not on account of misconduct.

3. It has been further contended that retrenchment compensation was not given to him according to provision of section 25-F of I.D.Act, 1947 & before his removal from service no sanction of retrenchment was obtained under Section 25 N(b) from the competent authority. There were nearly 500 permanent workmen & 1600 contractual workmen at the time of removal of the applicant from the service hence, there should have been three months notice or three month's pay in lieu of notice because of application of the provision of section 25-N of I.D.Act, 1947. It has been alleged that only one month's pay was given to the applicant in lieu of one month's notice which is unjust & illegal & order of termination is liable to be set aside on this ground alone. It has been further alleged that reason of removal of the applicant from service is change of condition of service which requires notice u/s 9-A of I.D.Act, 1947. In absence of such notice termination of the applicant is illegal & unjust.

4. It has been further alleged that provision of section 25-G, 25-H of I.D.Act, 1947 & rule 77 & 78 of Industrial Disputes (Central) Rules, 1958 have been violated in the matter of dismissal of the applicant from service because before dismissal seniority list was not prepared & employees junior to the applicant are still working with non-applicant & some employees have been appointed after removal of the applicant from service. Applicant has alleged that he is still jobless since his dismissal. He has prayed that order be passed to declare his order of dismissal as unjust & illegal with further direction for his reinstatement in service with continuity & back wages.

5. Reply to statement of claim consists of four parts. Part one contains preliminary objection & part three contains parwise reply to statement of claim. Part two deals with facts relating to applicant about his status as a supervisor & part four contains the prayer by non-applicant to hold that statement of claim is not maintainable on the basis of preliminary objection & applicant is not entitled to any relief. In preliminary objection it has been alleged that Central Government is not the appropriate government & state government is the appropriate government because factory of the non-applicant has been granted license by state government hence, industrial dispute must be raised by the applicant with labour department of Rajasthan Government. Accordingly, Central Labour Department has no jurisdiction to entertain any dispute raised by applicant. It has been further alleged that the Conciliation Officer/Assistant Labour Commissioner (Central) vide certificate dated 21.12.2015 has directed the applicant to file the claim before the Labour Court, Jaipur hence, statement of claim of the applicant is not maintainable before CGIT, Jaipur & CGIT, Jaipur is not having jurisdiction to entertain the claim. It has been further alleged that applicant is not a workman within the meaning of section 2(s) of I.D.Act, 1947 & the dispute raised by applicant is not an industrial dispute within the meaning of section 2(k) of I.D.Act, 1947.

6. In parwise reply to statement of claim it has been alleged against statement of para 1 to 3 & 5 that contents therein are matter of record & at the time of termination of his services the applicant was working in HR department of the company in management cadre (M grade). Contents of para 4 has been denied with further allegation that contention of the applicant is wrong that the duties carried out by him existed at the time of termination of his service. Against para 6 to 10 it has been submitted that applicant is not a workman as per section 2(s) of I.D.Act & his duties were of supervisory in nature & hence, various sections of the I.D.Act, 1947 are not attracted in case of the applicant. Contention of para 11 of statement of claim has been denied. Against para 12 it has been alleged that applicant has deliberately withheld the facts relating to proceeding before the Conciliation Officer. It has been contended that applicant has filed claim u/s 2-A of I.D.Act prior to the month of October, 2015 whereas certificate was issued to him on 21.12.2015 wherein he was permitted to pursue the matter before the Labour Court, Jodhpur hence, application is not maintainable before the CGIT, Jaipur & applicant is not entitled to any relief.

7. In rejoinder, it has been alleged that this tribunal is competent to entertain the statement of claim filed by applicant. Further, it has been alleged that contention made by non-applicant in reply to statement of claim is denied.

8. During proceeding for further advancement of the case, on 5.10.2017 there was proceeding for filing amended order of the Assistant Labour Commissioner (Central), Ajmer by applicant about jurisdiction of the tribunal to entertain the statement of claim which was not filed. Argument of learned representative of both the parties was heard on the point of jurisdiction & case was reserved for order. On 15.11.2017 following order was passed in relation to jurisdiction which reads as under :-

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR**

**CGIT 69/2015**

Sh. Brajesh Pandey

V/s

Ambuja Cement Ltd.

**Disposal of the issue of jurisdiction on the point of place of filing statement of claim by applicant Sh. Brajesh Pandey.**

**Order**

**Dated : 15.11.2017**

1. Heard the argument of learned representative of both the parties & perused the record carefully.
2. It has been argued by learned representative of the non-applicant that this court situated at Jaipur is not having jurisdiction to entertain the statement of claim filed by applicant u/s 2-A of I.D.Act, 1947 because applicant vide direction of the Conciliation Officer was directed to file the statement of claim u/s 2-A of the I.D.Act, 1947 before Labour Court, Jodhpur. It has been further submitted that applicant has no propriety in law to decide the place of jurisdiction himself & he has deliberately filed the statement of claim ignoring the direction of the Conciliation Officer. Countering the above argument it has been argued by learned representative of the applicant that Conciliation Officer is not empowered to decide & give direction to the applicant to file the case before the Labour Court, Jodhpur. It has been further submitted by learned representative of the applicant that applicant has not received any direction as mentioned in letter dated 23.2.2016 issued by Conciliation Officer wherein direction has been made about filing of the case before the Labour Court, Jodhpur. Against above submission of the learned representative of the applicant it has been alleged by learned representative of non-applicant that direction to file the case before Labour Court, Jodhpur has been given to applicant hence, it is duty of the applicant to comply it & he cannot be permitted to say that he has not received any direction because application has been moved by applicant himself on 21.12.2015 & on same date direction has been given to file the case before the Labour court, Jodhpur.
3. In view of arguments advanced by the learned representatives of both the parties I consider it necessary to reproduce the copy of the letter dated 23.2.2016 written by Conciliation Officer to the Secretary, Ministry of Labour & Employment, Government of India, New Delhi which reads as under :-

संराधन प्रतिवेदन

भारत सरकार/श्रम एवं रोजगार मन्त्रालय  
कार्यालय उप मुख्य श्रम आयुक्त (केन्द्रीय),  
हरिभाउ उपाध्याय नगर (विस्तार), पुष्कर रोड, अजमेर

क्रमांक :-ऐजे-5 (59)/2015/सश्रआ

दिनांक 23.02.2016

प्रेषित :-

श्रीमान सचिव महोदय,

भारत सरकार

श्रम व रोजगार मंत्रालय, नई दिल्ली

**विषय :** — प्रबन्धक, मैसर्स अम्बुजा सिमेन्ट लि., यूनिट राबरियावास, तहसील जैतारण जिला पाली एवं श्री ब्रिजेश पाण्डे निवासी सेदडा रोड, ब्यावर जिला अजमेर के मध्य सेवा से पृथक करने के विवाद में संराधन प्रतिवेदन प्रस्तुत करने बाबत ।

महोदय,

श्री ब्रिजेश पाण्डे पुत्र श्री धर्मपाल पाण्डे निवासी सेदडा रोड, ब्यावर जिला अजमेर के द्वारा अपने पत्र दिनांक शुन्य (प्राप्त दिनांक 24.3.2015) के तहत औद्योगिक विवाद प्रबन्धक, मैसर्स अम्बुजा सिमेन्ट लि., यूनिट राबरियावास, तहसील जैतारण जिला पाली के विरुद्ध सेवा से पृथक करने के सम्बन्ध में प्रेषित किया गया ('अनुलग्नक "ए")। मामले में प्रबन्धन को प्रतिलिपि भेजे भेजते हुए संयुक्त वार्ता/सुलह वार्ता दिनांक 8.5.2015 को एवं तदपश्चात विभिन्न अन्य तिथियों को सम्बन्धित पक्षों के मध्य रखते हुए अन्त में दिनांक 21.12.2015 को रखी गई। दिनांक 21.12.2015 को कर्मकार की ओर से उनके प्रतिनिधि ने उपस्थित होकर कर्मकार का प्रार्थना पत्र पेश किया जिसमें कर्मकार की ओर से प्रार्थना कर उक्त प्रकरण को श्रम न्यायालय में पेश करने हेतु प्रमाण पत्र की प्रार्थना की गई। कर्मकार प्रतिनिधि के प्रार्थना पत्र को स्वीकार करते हुए औद्योगिक विवाद अधिनियम, 1947 की धारा 2 (ए) के तहत प्रमाण पत्र दिनांक 21.12.2015 कर्मकार को जारी किया गया (अनुलग्नक "बी")।



चूँकि प्रकरण/विवाद में कर्मकार के प्रार्थना पर श्रम न्यायालय, जोधपुर में विवाद दाखिल करने हेतु प्रमाण पत्र जारी किया गया है अतः कर्मकार के द्वारा प्रेषित विवाद पर कार्यवाही पूर्ण कर पत्रावली को बन्द कर दिया गया है। इस हेतु संराधन प्रतिवेदन श्रीमान् के समक्ष सूचनार्थ प्रस्तुत है।

संलग्न : उपरोक्तानुसार

भवदीय

समझौता अधिकारी एवं

सहायक श्रम आयुक्त (केन्द्रीय), अजमेर

प्रतिलिपि :-

1. श्री मान उप मुख्य श्रम आयुक्त (केन्द्रीय), अजमेर को मय अनुलग्नकों के साथ प्रेषित है।
2. प्रतिलिपि प्रबन्धक, मैसर्स अम्बुजा सीमेन्ट लि., यूनिट राबरियावास, तहसील जैतारण जिला पाली (राजस्थान)  
(हस्ताक्षर अपठनीय)  
समझौता अधिकारी एवं  
सहायक श्रम आयुक्त (केन्द्रीय), अजमेर

4. This case u/s 2-A of I.D.Act, 1947 was filed on 17.8.2015 by learned representative of the applicant Sh. Brajesh Pandey which was registered by the tribunal as CGIT case no. 69/2015 & notice was sent to opposite party fixing 8.10.15 for reply. The proceeding continued & reply to statement of claim was filed on 14.3.2016 by non-applicant & rejoinder was filed by applicant on 2.5.2016.

5. From perusal of the order sheet & record of case it appears that only four documents have been filed by applicant which consist of (i) order of termination dated 27.2.2015 (ii) notice dated 30.4.2015 issued by Deputy Chief Labour Commissioner (Central), Ajmer informing applicant & opposite party to appear on first date of conciliation proceeding on 8.5.2015 for conciliation (iii) detail of payment of gratuity to applicant (iv) detail of gratuity amount of the applicant issued by trustee of 'Ambuja Cement Limited Employees Gratuity Fund Trust'. Letter dated 23.2.2016 as mentioned above has been filed by non-applicant alongwith other documents.

6. During proceeding before this court vide order dated 30.11.2016 applicant was directed to file conciliation failure report on next date 22.12.2016. On 22.12.2016 conciliation failure report was not filed hence, applicant was further given time to file failure report on 6.2.2017. On 6.2.2017 applicant sought adjournment & requested further time to file conciliation failure report on 17.4.2017. On 17.4.2017 applicant was further given time to file the alleged report on 20.6.2017. On 20.6.2017 also conciliation failure report was not filed & argument was heard on the point of failure of the applicant in filing conciliation failure report despite many opportunity given to the applicant. Reference was also made to letter dated 23.2.2016 by learned representative of non-applicant & it was contended that this tribunal is not having jurisdiction to entertain the application u/s 2-A because applicant was directed to file his application u/s 2-A before the Labour Court, Jaipur. Letter dated 23.2.2016 indicates that on the last date of conciliation proceeding on 21.12.2015 an application was moved before conciliation officer by learned representative of the applicant to issue certificate to the applicant to facilitate him to proceed u/s 2-A by filing case before the Labour Court which was allowed & a certificate u/s 2-A of I.D.Act, 1947 was issued on 21.12.2015 for facilitating the applicant to present his statement of claim before the Labour Court, Jodhpur. On the basis of the certificate wherein applicant has been directed to file his statement of claim before the Labour Court, Jodhpur it has been argued by learned representative of non-applicant that this tribunal is not having jurisdiction to entertain the statement of claim & only Labour Court, Jodhpur is competent to entertain the statement of claim of the applicant Sh. Brajesh Pandey. Countering the above argument on 20.6.2017 it was submitted by learned representative of the applicant that applicant will secure the order from the Labour Commissioner, Ajmer about change of jurisdiction from Jodhpur to Jaipur. Accordingly, applicant was directed to get the amended order obtained from Labour Commissioner, Ajmer & file it before this tribunal on 23.8.2017 failing which his statement of claim shall be dismissed for want of jurisdiction.

7. From above facts & circumstances it is evident that applicant on his own accord has opted to file the case before this tribunal on 17.8.15 much before the termination of proceeding before conciliation officer on 21.12.15, the date on which he has moved application to issue certificate. In above circumstance applicant cannot be allowed to say that he is not aware of any direction dated 21.12.15 because direction has been given to him on same date on which he has moved the application & he was aware of the fact that he has to file the certificate along with statement of claim before

the concerned court. Further, it appears from above facts that applicant was parallelly pursuing the case before this court as well as before the Conciliation Officer.

8. On 23.8.2017 none appeared from either side & the case was suo-moto adjourned by the tribunal & further opportunity was given to the applicant to file the amended order regarding jurisdiction on 20.9.2017 failing which further proceeding in the case will be terminated. On 20.9.2017 further adjournment was granted in favour of applicant to file the amended order regarding jurisdiction on 5.10.2017 providing last opportunity to the applicant.

9. On 5.10.2017 no amended order regarding jurisdiction was filed by applicant & on the insistence of the learned representative of both the parties further argument was heard whether only Labour Court, Jodhpur is having jurisdiction to entertain the statement of claim.

10. It has been argued by learned representative of applicant that Conciliation Officer or Labour Commissioner (Central), Ajmer is not empowered to give direction to the applicant about place of filing statement of claim. Countering the above argument it has been argued by learned representative of the non-applicant that due to direction dated 21.12.2015 by Conciliation Officer, this tribunal is not having jurisdiction to entertain the statement of claim of the applicant. Further, referring to preliminary objection it has been submitted that factory of the non-applicant came into existence on the basis of license by State of Rajasthan hence, any industrial dispute has to be raised before the labour department of the State Government & Central Government is not the appropriate government in the present case.

11. As far as the question of the 'appropriate government' in the present case is concerned I am not inclined to intermix this point at this stage with the issue of place of suing.

12. This fact is undisputed that applicant has raised the dispute on 24.3.2015 before the Assistant Labour Commissioner (Central), Ajmer wherein first date for conciliation was fixed for 8.5.2017. This fact is also undisputed that statement of claim u/s 2-A has been filed before this tribunal on 17.8.2015 & learned representative of the applicant has filed application before the Assistant Labour Commissioner on 21.12.2015 for issuing certificate to file statement of claim before the Labour Court which has been issued on 21.12.2015 itself & direction has been given to approach the Labour Court, Jodhpur. From the above circumstance, it is evident that filing of statement of claim u/s 2-A before this tribunal was done much before securing the certificate u/s 2-A on 21.12.2015. Decision of the applicant to choose the forum of Jaipur for filing the claim was his own. It was obligatory on the part of applicant to secure the certificate first & then file the statement of claim along with the certificate which has not been done by the applicant as required by law. During course of hearing many opportunities were given to the applicant to file the conciliation failure report which was not filed by him. Applicant himself sought many adjournments & tribunal suo-moto also has granted time more than once to file amended order about jurisdiction which was not done by the applicant. In above fact & circumstances & on the basis of above discussion I am of the view that this court is not having jurisdiction to entertain the statement of claim of the applicant & according to direction dated 21.12.2015 Labour Court, Jodhpur is having jurisdiction to entertain the statement of claim of the applicant. In opinion of the applicant if Conciliation Officer was not empowered to give direction about place of suing it equally applies to applicant that he himself was not empowered to choose the place of suing. Accordingly, instead of dismissing the statement of claim for want of jurisdiction I find it just & proper to return the statement of claim to the applicant for presentation to proper court.

### ORDER

13. Statement of claim of the applicant dated 17.8.2015 is returned to the applicant for presentation to proper court. Record of the case be consigned to record room after completion of proceeding of returning the statement of claim to the applicant.

9. Award as above.

BHARAT PANDEY, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.154.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 40/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-17012/8/2007-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O. 154.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2007) of the Central Government Industrial Tribunal/Labour Court, Jaipur now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Life Insurance Corporation of India and their workman, which was received by the Central Government on 19.01.2018.

[No. L-17012/8/2007-IR (M)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, JAIPUR**

**BHARAT PANDEY, PRESIDING OFFICER**

**I.D. 40/2007**

Reference No.L-17012/8/2007-IR(M) dated: 2/4.7.2007

Sh. Ganesh Meena  
S/o Shri Nanak Ram Meena  
B-183, Anandpuri,  
Moti Doongri Road,  
Jaipur.

**V/s**

The Sr. Divisional manager  
LIC of India  
Divisional Office, Jeevan Prakash  
Buldg. Ambedkar Circle,  
Jaipur – 302006.

**Present :**

For the applicant : Sh. Surendra Singh, Advocate.  
For the non-applicant : Sh. J.K. Agrawal, Advocate

**AWARD**

29.11.2017

1. The Central Government in exercise of the powers conferred under clause (d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act 1947 has referred the following Industrial dispute to this tribunal for adjudication:-

**“Whether the action of the management of LIC of India, Jaipur through Sr. Divisional Manager, Jaipur in dismissing the services of Shri Ganesh Meena, Peon vide its order dated 13.5.2006 without conducting any enquiry is legal and justified? If not, what relief the workman is entitled to and from which date?”**

2. Briefly fact of the case is that applicant was appointed to the post of peon on 15.3.1997 by Senior Divisional Manager, LIC. While working on the above post applicant was served with a charge-sheet Ex-1 on 21.12.2005 wherein he was charged for taking cheque no. 59932 from the custody of the opposite party by theft & withdrawing a sum of Rs.25000/- after forging the signature of authorised signatories Sh. C.P.Goyal, Assistant Administrative Officer & Sh. Mohan Lal, U.D.C. on the above said cheque & depositing the same on 13.10.2005 in his account held with UTI Bank, Ajmer Road, Jaipur & further withdrawing the amount from his account, thus, misappropriating the amount in his favour & thereby violating Rule 21 & 24 of Life Insurance Corporation of India (Karamchhari) Viniyam, 1960 punishable under either 1 or more of the provisions prescribed under Rule 39(1) (A) to (G). Thus, a sum of Rs.25,000/- of the Corporation was misappropriated by applicant.

3. Applicant submitted reply to the charge sheet which has been filed on record as Ex-2. According to para 4 of the statement of claim neither an enquiry officer was appointed nor enquiry was done. After reply to the charge sheet on 20.3.2006 a show cause notice on proposed punishment under Rule 39 of Life Insurance Corporation of India (Karamchhari) Viniyam, 1960 was given to the applicant by disciplinary authority / Senior Regional Manager, marked Ex-3 and annexed to the statement of claim. Applicant submitted reply (Ex-4) to the above said show cause notice.

4. Based upon reply to the show cause notice & reply of the applicant an order of punishment dated 13.5.2006 (Ex-5) was passed by disciplinary authority dismissing the applicant from service. An appeal dated 24.5.2005 (Ex-6) by applicant was preferred before the appellate authority, the Zonal Manager against the order of dismissal.
5. The charge sheet Ex-1, reply to the charge sheet Ex-2, show cause notice about proposed punishment by disciplinary authority Ex-3, reply to show cause Ex-4, order of punishment Ex-5 & memo of appeal Ex-6 read as under:-

प्रदर्श-1

LIFE INSURANCE CORPORATION OF INDIA,  
DIVISIONAL OFFICE, JAIPUR

भारतीय जीवन बीमा निगम (कर्मचारी) विनियम, 1960 के विनियम 39 के  
अन्तर्गत अनुशासनात्मक कार्यवाही

एवं

शाखा कार्यालय 2 जयपुर में कार्यरत श्री गणेश मीणा, चपरासी,  
वे.क्र.सं. 140934, के विषय में

आरोप पत्र

आप श्री गणेश मीणा, चपरासी, वे.क्र.सं. 140934, शाखा यूनिट 2 पर निम्नलिखित आरोप लगाया जाता है—

यह है कि आपने अपने शाखा कार्यालय यूनिट 2 में चपरासी के पद पर कार्य करते हुए शाखा के बैंक खाता संख्या 4 का चैक संख्या 59932 शाखा से चुरा कर उसे अपने स्वयं के नाम से रुपये 25,000 का बना लिया तथा प्राधिकृत हस्ताक्षरकर्ता के रूप में श्री सी.पी.गोयल, स.प्र.अ., एवं श्री मोहन लाल, उ.श्रे.स. के फर्जी हस्ताक्षर कर दिये तत्पश्चात आपने यह चैक दिनांक 13.10.2005 को अपने स्वयं के यू.टी.आई. बैंक अजमेर रोड के खाता संख्या 284059 में जमा करा दिया। इस प्रकार आपने निगम की रुपये 25,000 की राशि का गबन किया।

इस प्रकार उपर्युक्त वर्णित तथ्यों द्वारा आप निगम की सेवा में अपने कर्तव्यों के प्रति अपेक्षित ईमानदारी तथा निष्ठा बरतने में असफल रहे हैं तथा निगम के हित के विपरीत कार्य किया है। आपने भारतीय जीवन बीमा निगम (कर्मचारी) विनियम 1960 के विनियम 21 तथा 24 का उल्लंघन किया है, जिसके परिणाम स्वरूप विनियम 39 के अन्तर्गत अनुशासनात्मक कार्यवाही करके विनियम 39 (1) (ए) से (जी) तक वर्णित दण्ड में से कोई एक अथवा अधिक दण्ड आप पर लगाये जा सकते हैं।

दस्तावेजों की अनन्तिम सूची तथा गवाहों की अनन्तिम सूची जिनके द्वारा आप पर लगाये गये आरोपों को (परिशिष्ट—I तथा परिशिष्ट—II द्वारा) सिद्ध किया जाना है, संलग्न है।

तथापि इस मामले में आगे की कार्यवाही करने पूर्व एतद् द्वारा आपको निर्देश दिया जाता है कि इस आरोप पत्र की प्राप्ति के 15 दिन के अन्दर आप लिखित कथन करें कि आप उक्त आरोपों के दोषी होना स्वीकार करते हैं अथवा नहीं। यदि हाँ तो स्वीकारोक्तियों का लिखित कथन दें। यदि नहीं तो अस्वीकारोक्तियों का लिखित कथन, गवाहों एवं दस्तावेजों की सूची जिनके द्वारा आप अपनी प्रतिरक्षा करना चाहते हैं, अधोहस्ताक्षरी को उक्त निर्धारित समय सीमा के अन्दर प्रस्तुत करें। यदि आपका लिखित कथन निर्धारित समय सीमा में प्राप्त नहीं होता है अथवा यदि आपकी स्वीकारोक्ति संतोषप्रद नहीं पायी जाती है तो इस मामले में आगे कार्यवाही भारतीय जीवन बीमा निगम (कर्मचारी) विनियम, 1960 तथा अन्य आदेशों के अन्तर्गत की जायेगी।

जयपुर में वर्ष 2005 के दिसम्बर माह के आज 20 वें दिन को हस्ताक्षरित

हस्ताक्षर अपठनीय

वरिष्ठ मण्डल प्रबन्धक

अनुशासनिक प्राधिकारी

मण्डल कार्यालय, जयपुर

संलग्न

परिशिष्ट—I तथा परिशिष्ट—II

LIFE INSURANCE CORPORATION OF INDIA,  
DIVISIONAL OFFICE, JAIPUR

परिशिष्ट—I

दस्तावेजों की अनन्तिम सूची

- (1) चैक संख्या 059932, दिनांक 07.10.2005, रु. 25,000/—श्री गणेश मीणा के नाम से, की बैंक प्राधिकारी द्वारा प्रमाणित फोटो प्रति।
- (2) चैक संख्या 059932, दिनांक 07.10.2005, रु. 25,000/—श्री गणेश मीणा के नाम से, को यू.टी.आई. बैंक अजमेर रोड के सेविंग बैंक खाता संख्या 284059 में जमा कराने की पे.इन.स्लिप दिनांक 13.10.2005 की बैंक प्राधिकारी द्वारा प्रमाणित फोटो प्रति।

- (3) यू.टी.आई. बैंक, अजमेर रोड के सेविंग बैंक खाता संख्या 284059, श्री गणेश मीणा के नाम से, का स्टेटमेंट दिनांक 20.10.2005 की बैंक प्राधिकारी द्वारा प्रमाणित फोटो प्रति।
- (4) भारतीय जीवन बीमा निगम, यूनिट-2, जयपुर के यू.टी.आई. बैंक, अजमेर रोड जयपुर में खाता संख्या 4 के बैंक स्टेटमेंट दिनांक 20.10.2005 की बैंक प्राधिकारी द्वारा प्रमाणित फोटो प्रति।
- (5) श्री सी.पी. गोयल, तत्कालीन सहायक प्रशासनिक अधिकारी, यूनिट-2 जयपुर का पत्र दिनांक 20.10.2005 ।
- (6) श्री मोहन लाल, उ.श्रे. सहायक, यूनिट-2 जयपुर का पत्र दिनांक 20.10.2005 ।
- (7) श्री गणेश मीणा के पत्र दिनांक 20.10.2005 एवं 22.10.2005.
- (8) श्री गणेश मीणा द्वारा शाखा में जमा कराये गये रु. 25,000/- की एम.आर नम्बर 833, दिनांक 20.10.2005 ।

### परिशिष्ट-II

गवाहों की अनंतिम सूची

- (1) श्री सी.पी.गोयल, तत्कालीन सहायक प्रशासनिक अधिकारी, यूनिट-2 जयपुर, एवं अब शाखा कार्यालय, सी.ए.बी.-2 में पदस्थापित।
- (2) श्री मोहन लाल, उ.श्रे. सहायक, यूनिट-2 जयपुर ।

हस्ताक्षर अपठनीय  
वरिष्ठ मण्डल प्रबन्धक  
अनुशासनिक प्राधिकारी  
मण्डल कार्यालय, जयपुर

**Ex-2**

सेवामें

श्रीमान वरिष्ठ मण्डल प्रबन्धक महोदय,  
भारतीय जीवन बीमा निगम,  
मण्डल कार्यालय, "जीवन प्रकाश"  
भवानी सिंह मार्ग,  
जयपुर

**विषय :** आरोप पत्र दिनांक 20 दिसम्बर 05 के संदर्भ में।

महोदय,

उपरोक्त विषय में लेख है कि मैंने आरोप पत्र लेने से पूर्व ही गलती स्वीकार कर ली थी। यह गलती मुझसे काफी दबाव में हुई थी। मेरे पिताजी का देहान्त फरवरी 2005 में हो गया था, उनका कर्जा एवं क्रियाक्रम का खर्चा मुझे कर्जदारों को चुकाना था। कर्जदार मुझे कर्जा नहीं चुकाने की स्थिति में तरह-तरह की धमकियां दे रहे थे, उनके दवाब में आकर मैंने यह गलती की थी। मैंने मेरा आठ वर्ष का कार्यकाल पूरी मेहनत एवं ईमानदारी के साथ किया है। यह मेरे कार्यकाल की पहली एवं आखिरी गलती है। मैं आपसे निवेदन करता हूँ कि मेरे परिवार एवं मेरी बूढ़ी माताजी की सेवा में ही करता हूँ, इसलिए कृपया आप मेरी प्रार्थना पत्र पर सहानुभूति पूर्वक विचार करके मुझे क्षमादान प्रदान करें। आपकी अति कृपा होगी।

आगे से भविष्य में मैं निगम की सेवा पूरी निष्ठा एवं लगन के साथ करूंगा, ऐसा मैं आपको पूर्ण विश्वास दिलाता हूँ।

धन्यवाद

भवदीय,

हस्ताक्षर पठनीय

गणेश मीणा

(गणेश मीणा)

वे.क्र.सं. 140934

शाखा कार्यालय — जयपुर द्वितीय

From :-

S.N.Meena

Jaipur D.O.

**प्रदर्श-3**

भारतीय जीवन बीमा निगम  
LIFE INSURANCE CORPORATION OF INDIA,  
DIVISIONAL OFFICE, JAIPUR  
भारतीय जीवन बीमा निगम (कर्मचारी) विनियम, 1960 के विनियम 39 के  
अन्तर्गत अनुशासनात्मक कार्यवाही  
एवं  
शाखा कार्यालय 2 जयपुर में कार्यरत श्री गणेश मीणा, चपरासी, वे.क्र.सं.  
140934, के विषय में  
कारण बताओ नोटिस

कि श्री गणेश मीणा, चपरासी, वे.क्र.सं. 140934, शाखा यूनिट 2, जयपुर को दिनांक 20.12.2005 को आरोप पत्र दिया गया था।

तथा चूंकि श्री गणेश मीणा, आरोपित कर्मचारी ने आरोप पत्र का जवाब दिनांक 04.01.2006 को प्रस्तुत किया। इस पत्र में आरोपित कर्मचारी ने अपने उपर लगे सभी आरोपों को पूर्णतया स्वीकार कर लिया अतः इस प्रकरण में विस्तृत जाँच कार्यवाही की आवश्यकता नहीं महसूस की गई।

तथा चूंकि मामले के तथ्यों का ध्यानपूर्वक अवलोकन करके मैं अनुशासनिक प्राधिकारी तात्कालिक रूप से इस निष्कर्ष पर पहुँचा हूँ कि आपने निगम की राशि का गबन किया है। आपका उक्त कृत्य पूर्णतया निगम के साथ धोखाधड़ी है जिसके लिए मैं आप श्री गणेश मीणा, चपरासी, वे.क्र.सं. 140934, शाखा कार्यालय, यूनिट-2 जयपुर को भारतीय जीवन बीमा निगम (कर्मचारी वृन्द) विनियम 1960 के विनियम 39 (जी) में विनिर्दिष्ट नौकरी से “बर्खास्तगी (dismissal)” की शास्ति आरोपित किया जाना प्रस्तावित करता हूँ।

फिर भी मैं इस मामले में आगामी कार्यवाही करने से पूर्व आप श्री गणेश मीणा, चपरासी, वे.क्र.सं. 140934, शाखा कार्यालय, यूनिट 2, जयपुर को इस कारण बताओ नोटिस के प्राप्त करने के 07 दिनों के अन्दर यह कारण बताने का निर्देश देता हूँ कि आपको यथापूर्वोक्त आरोप का दोषी क्यों न ठहराया जाए तथा आपको उक्त प्रस्तावित शास्ति से दण्डित क्यों न किया जाए ?

कृपया ध्यान रखें कि यदि आपका लिखित कथन निर्धारित समय सीमा में प्राप्त नहीं होता है अथवा यदि आपका प्रत्युत्तर संतोषप्रद नहीं पाया जाता है तो आपको बिना कोई सूचना दिए इस सम्बन्ध में यथोचित निर्णय ले लिया जायेगा।

जयपुर के वर्ष 2006 के मार्च माह के आज 20 वें दिन को हस्ताक्षरित

हस्ताक्षर अपठनीय  
वरिष्ठ मण्डल प्रबन्धक  
अनुशासनिक प्राधिकारी  
मण्डल कार्यालय, जयपुर

**प्रदर्श-4**

सेवामें

वरिष्ठ मण्डल प्रबन्धक,  
अनुशासनिक अधिकारी,  
भारतीय जीवन बीमा निगम,  
मण्डल कार्यालय,  
जयपुर

**विषय:** भारतीय जीवन बीमा निगम (कर्मचारी) विनियम, 1960 के विनियम 39 के अन्तर्गत मुझे जारी कारण बताओ नोटिस दिनांक 20.3.06 द्वारा वांछित मेरे लिखित कथन के क्रम में।

महोदय,

उक्त वर्णित कारण बताओ नोटिस दिनांक 20.3.2006 जो कि मेरे द्वारा दिनांक 22.03.2006 को प्राप्त किया गया के अन्तर्गत मेरे द्वारा निम्न वस्तुस्थिति, मानसिक शारीरिक एवं पारिवारिक परिस्थितियों तथा विगत एवं वर्तमान परिस्थितियों का सविनय विवरण बिन्दुवार आपके आदेशानुसार प्रस्तुत हैं :-

1. मेरे पिता जी का स्वर्गवास फरवरी 2005 में हो गया था जिस हेतु मुझे समस्त क्रियाकर्म सम्बन्धी व्यय इत्यादि हेतु कुछ लोगों से कर्ज लेना पड़ा था जिसके भुगतान का मुझ पर अत्यधिक दबाव था। इन परिस्थितियों में मेरी शारीरिक एवं मानसिक स्थिति काफी खराब थी एवं उक्त दबावों एवं शारीरिक एवं मानसिक बीमारी के कारण मुझसे न जाने कैसे यह दुष्कृत्य हो गया जिसका मुझे मेरी बुद्धि एवं विवेक से भी पता नहीं चल पाया।
2. इस दुष्कर्म के होने के उपरान्त एवं कार्यालय में इसका पता चलने पर मुझे बहुत शर्म एवं ग्लानि हुई क्योंकि ऐसा करके मैं अपनी संस्था के समस्त अधिकारियों एवं कर्मचारियों की नजरों में गिर गया तथा मेरे द्वारा बिना किसी संकोच के यह दुष्कर्म तुरन्त स्वीकार कर लिया गया एवं मेरे द्वारा गबन की गई राशि भी मैंने यथा सम्भव जल्द से जल्द कार्यालय में जमा करवा दी (M.R.No.833 Dt. 22-10-25 Rs. 25000/- Cash)
3. मण्डल कार्यालय से आये अधिकारियों एवं शाखा के अधिकारियों के समक्ष भी मैंने तुरन्त इस कृत्य को करने की मौखिक एवं लिखित स्वीकारोक्ति कर ली थी।
4. मेरे उपरोक्त कृत्य हेतु मुझे आप द्वारा आरोप पत्र दिनांक 20.12.2005 जारी किया गया था,

चूंकि जैसा कि मेरे द्वारा पहले ही लिखा जा चुका है कि उक्त दुष्कर्म करते समय मेरी मानसिक एवं शारीरिक परिस्थिति खराब थी एवं मैं आज तक समझ नहीं पा रहा हूं कि ऐसा दुष्कर्म मुझसे कैसे हो गया। इस सम्पूर्ण प्रकरण ने मेरे दिलो दिमाग पर बहुत गहरा आघात किया है एवं बार-बार मेरे मन में अपने जीवन को समाप्त करने के विचार आते हैं परन्तु अपनी बूढ़ी विधवा मां पत्नि का विचार मुझे ऐसा करने से बार-बार रोक रहा है क्योंकि उन दोनों का इस दुनिया में मेरे सिवाय कोई और नहीं है तथा दोनों ही मुझ पर पूर्ण रूप से आश्रित हैं।

अतः अन्त में मेरी आपसे करबद्ध प्रार्थना है कि उपरोक्त समस्त तथ्यों आदि पर विचार करते हुए मुझे कृपया नौकरी से (Dismiss) करने की कार्यवाही नहीं करें अपितु मुझे इसके अतिरिक्त कोई भी दण्ड दे दें क्योंकि मेरे इस दुष्कर्म के लिये मुझे दण्डित किया जाना आवश्यक है। जो कि मुझे आजीवन अपने इस अक्षम्य अपराध का बोध करवाता रहेगा।

आशा है कि आप मेरे द्वारा वर्णित उपरोक्त समस्त तथ्यों आदि पर सहानुभूति पूर्वक विचार कर मुझे एक अन्तिम अवसर अवश्य प्रदान करेंगे जिसके लिये मैं एवं मेरे परिवारजन आपका हृदय से आभार व्यक्त करते हैं।

सहानुभूतिपूर्वक विचार एवं निर्णय की आशा में

भवदीय,

हस्ताक्षर पठनीय

गणेश मीणा

(गणेश मीणा)

वे.क्रमांक 140-934

**प्रदर्श-5**

भारतीय जीवन बीमा निगम

LIFE INSURANCE CORPORATION OF INDIA,

DIVISIONAL OFFICE, JAIPUR

भारतीय जीवन बीमा निगम (कर्मचारी) विनियम, 1960 के विनियम 39 के

अन्तर्गत अनुशासनात्मक कार्यवाही

एवं

श्री गणेश मीणा, चपरासी, वे.क्र.सं. 140934, शाखा कार्यालय 2 जयपुर के विषय में

**आदेश**

कि श्री गणेश मीणा, चपरासी, वे.क.सं. 140934, शाखा यूनिट 2, जयपुर को दिनांक 20.12.2005 को आरोप पत्र दिया गया था।

तथा चूंकि श्री गणेश मीणा, आरोपित कर्मचारी ने आरोप पत्र का जवाब दिनांक 04.01.2006 को प्रस्तुत किया। इस पत्र में आरोपित कर्मचारी ने अपने ऊपर लगे सभी आरोपों को पूर्णतया स्वीकार कर लिया अतः इस प्रकरण में विस्तृत जांच कार्यवाही की आवश्यकता महसूस की गई।

तथा चूंकि मामले के सभी प्रलेखों, तथ्यों व साक्ष्यों का ध्यानपूर्वक अवलोकन करने के उपरान्त अनुशासनिक प्राधिकारी के रूप में, मेरे सन्तुष्ट होने पर आरोपित कर्मचारी श्री गणेश मीणा, चपरासी, वे.क.सं. 140934, शाखा कार्यालय, यूनिट-2 जयपुर को दिनांक 20.3.2006 को कारण बताओ नोटिस जारी किया गया था जिसमें आरोपित कर्मचारी को दण्डस्वरूप भारतीय जीवन बीमा निगम (कर्मचारी वृन्द) विनियम 1960 के विनियम 39 (जी) में विनिर्दिष्ट नौकरी से "बर्खास्तगी (dismissal)" की शास्ति आरोपित किया जाना प्रस्तावित किया गया था।

तथा चूंकि आरोपित कर्मचारी द्वारा उक्त आरोप पत्र तथा कारण बताओ नोटिस के प्रत्युत्तर में अपने पत्र के माध्यम से जो स्पष्टीकरण प्रस्तुत किया गया है उसमें ऐसा कोई नवीन तथ्य नहीं पाया गया जिस पर विचार करके आरोपित कर्मचारी को उक्त प्रस्तावित शास्ति में कोई कमी अथवा परिवर्तन किया जावे।

अतः सभी परिस्थितियों एवं तथ्यों को ध्यान में रखते हुए मैं, अनुशासनिक प्राधिकारी कारण बताओ नोटिस में प्रस्तावित शास्ति को यथावत रखते हुए आरोपित कर्मचारी श्री गणेश मीणा, चपरासी, वे.क.सं. 140934, शाखा कार्यालय, यूनिट-2 जयपुर को भारतीय जीवन बीमा निगम (कर्मचारी वृन्द) विनियम 1960 के विनियम 39 (जी) में विनिर्दिष्ट नौकरी से "बर्खास्तगी (dismissal)" का दण्ड दिया जाता है।

जयपुर में वर्ष 2006 के मई माह के आज तेरहवें दिन को हस्ताक्षरित ।

हस्ताक्षर अपठनीय

वरिष्ठ मण्डल प्रबन्धक

अनुशासनिक प्राधिकारी

मण्डल कार्यालय, जयपुर

**EX-6**

The Zonal Manager

(Appellate Authority)

L.I.C. of India, Zonal Office

New Delhi.

**THROUGH PROPER CHANNEL**

Sir,

**Sub :** Appeal under Reg. 40 of LIC of India (Staff) Regulations, 1960 against the order of dismissal dated 13.5.2006 passed by the Disciplinary authority (Sr. Divl. Manager), Jaipur.

Most respectfully I beg to submit this appeal as under :-

1. That a charge sheet was issued to me on 20.12.2005 by the Sr. Divisional Manager, Jaipur (Disciplinary Authority) for the charge of getting a cheque prepared for Rs.25,000=00 in my name and depositing the same in my account on 13.10.2005. In that case the order of dismissal has been passed against which the present appeal is being preferred before your goodself.

2. That I admitted the mistake in my reply to the charge sheet and while giving the circumstances under which it happened I also stated that the said amount was immediately deposited by me on 22.10.2005 with LIC, thus the amount remained with me only for 8-9 days.

3. Sir, the circumstances under which the said mistake came to be committed have been narrated by me in my reply to the charge sheet as well as show cause notice and I had prayed for lenient view being taken against me in view of the said precarious circumstances I was placed at the time when the error had take place. But it appears that my fervent prayer has not been favourably considered.



4. I belong to Meena caste, which is a Schedule TRIBE in the State of Rajasthan and belong to village where poverty is pervading all around. My father had expired in February, 2005 and in view of the customs in my caste in the village I had helplessly to incur heavy expenditure on his last rites even by borrowing money from which there was no escape. Although I had paid lot of money but still in view of lapse of long time tremendous pressure was built on me to repay the balance amount. The pressure was so mind blowing that sometimes I lost the balance and in such a situation the mistake had taken place but immediately on detecting the error I on my own accord deposited the amount. I never thought the act to be permissible and I never preferred such an act. I therefore sought to be beseeched and forgiven for this act and some such penalty may be awarded so that at least I do not loose the only source of income.

5. That in my family I have my old mother who is ailing one and is wholly dependent on me. Therefore in case the penalty of dismissal is not eased out and I am not allowed to continue in service my mother will expire for want of two square meals a day what to say of medical care.

6. That the penalty of dismissal is also a bar and blot on my life and career. I have already suffered immense hate and hatred from my colleagues and in the society. Therefore I humbly make this mercy appeal to ease out the punishment in such terms as may be deemed just and expedient by your goodself but with folded hands I pray that my service may be saved. I give my solemn assurance that such a mistake will never repeat.

With these humble submissions I pray that the penalty of dismissal may be relaxed and substituted by suitable punishment so as to save my service and life.

With hopes of being forgiven.

Jaipur/24.5.2006

Yours humbly,  
(Signature ligible)  
(Ganesh Meena)  
S.R.No. 140934  
Peon, BO-II Jaipur  
r/o H.No. B-183, Anandpuri,  
Moti Doogri Road,  
Jaipur -302004.

7. It has been alleged in para 5 & 6 of the statement of claim that the disciplinary authority/Senior Regional Manager has mentioned in his show cause notice ( Ex-3) that the applicant in reply dated 4.1.2006 to charge sheet has accepted the entire charges levelled against him hence, punishment of dismissal of the applicant is proposed by him. The applicant has mentioned in reply to the show cause notice Ex-3 that due to physical & mental illness the act of charge levelled against him was committed for which he repents & he has deposited the sum of Rs.25,000/- on 22.10.2005. It has been alleged by the applicant that thus, it was not a complete confession or independent confession of the applicant.

8. The applicant has further alleged that after dismissal he preferred an appeal (Ex-6) against the order of dismissal dated 13.5.2006 on 24.5.2006 before the Zonal Manager, Delhi with detail of action taken by disciplinary authority against the law & against the principle of natural justice. The applicant presented a reminder (Ex-7) before the appellate authority for disposal of the appeal & the appeal was disposed vide order dated 30.9.2006 by appellate authority dismissing it by passing an stereo type order with close minded approach.

9. Order of dismissal passed by disciplinary authority & dismissal of appeal against the order of disciplinary authority has been said to be illegal & against the principle of natural justice. It has been further alleged that for the purpose of confession pressure was made on the applicant & under that pressure the confession was prepared & made. The confession made by the applicant does not bear any date & it has been made on single page yet, another confession was prepared by officers on 20.10.2005 wherein new averments were added. Thereafter, a third confessional statement was prepared on 22.2.2006 which is indicative of the fact that pressure was exerted on the applicant & thus, confessional statements were

secured. Confessional statement dated 20.10.2005 was secured by Sh. C.P. Goyal & Signature of Sh. S.C. Meena was done on this statement later on. In this confessional statement first time the endorsement was made that signature of Sh. Goyal ji & Sh. Mohan Ji was done on the cheque by the applicant whereas in the first undated & third confessional statement dated 22.6.2006 no such mentioned was made. In such circumstances, legal error has been committed by passing of punishment order by disciplinary authority without departmental enquiry.

10. Further it has been mentioned in charge sheet that signature of Sh. C.P. Goyal & Sh. Mohan Lal was forged by the applicant which has not been mentioned in first & third confessional statements hence, it was necessary on the part of disciplinary authority that an impartial enquiry against charge sheet should have taken place affording opportunity to the applicant to put his case & thereafter if charge was proved then the order of punishment should have been passed thus, the order of punishment is fit to be set aside. The confessional statement dated 20.10.2005 indicates that it was not written by the applicant on his own & the same has been written by the applicant on the direction of officers. According to para 10(V) of statement of claim admission by applicant that he has made the signature of Sh. Goyal & Sh. Mohan Lal Ji on the cheque & he is ready to accept whatever punishment is awarded has been endorsed subsequently on the insistence of the officers of the bank. This makes it clear that statement of the applicant dated 20.10.2005 is doubtful & not a free confessional statement.

11. Further it has been alleged that charge of misappropriation of Rs. 25,000/- has not been proved & the Senior Mandal Prabhandak has committed error in coming to the conclusion that the charged employee has accepted all the charges levelled against him. The applicant's letter dated 20.10.2005 cannot be treated as confession because facts have not been mentioned in charge sheet. The applicant has not admitted that he has made signature of Sh. C.P. Goyal & Sh. Mohan Lal & he has also not admitted the misappropriation of Rs. 25,000/-. The applicant has not been given opportunity of defence. He has not been asked whether he wants to produce any evidence in defence. The appellate authority & disciplinary authority have not taken this fact into consideration that applicant has not been served with any charge sheet in his past 9 years career & his conduct has been good for all these year, hence, they have committed error in awarding maximum punishment which is disproportionate to the charge levelled against him & deserves amendment.

12. It has been further alleged that the appellate authority has committed error in not complying the provision of regulation 46(2) (A), (B) & (C). After a laps of a period of 9 days the applicant deposited the entire cheque amount voluntarily before he was issued a charge sheet, hence, any action against the applicant was unwarranted & the order of punishment is fit to be set aside.

13. In reply to statement of claim appointment of the applicant on 15.3.97 has been admitted, thus, para 1 of statement of claim & para 2, 3, 5, 7, 8 & 9 of the statement of claim has been admitted. It has been further alleged that content of the charge sheet served upon the applicant is completely correct & true. The applicant accepting the entire charges levelled against him deposited the misappropriated amount. As the applicant had accepted all the charges levelled against him in writing there is no necessity to conduct further enquiry in the matter because the enquiry is conducted to prove the charges levelled against the delinquent. Against para 6 of the statement of claim it has been alleged that it is wrong to say & not admitted that acceptance of the guilt by the applicant is not a free & complete acceptance because applicant secured the cheque by theft & filled the cheque for a sum of Rs.25,000/- & deposited the cheque in his account thus, the act of misappropriation was successfully completed by the applicant & when the matter came to light then he deposited the amount on 22.10.2005 in the corporation. The act of the applicant in above manner comes within the scope of complete & free acceptance & the charge of misappropriation stands proved automatically & thereafter there remains no need to prove the charge further. Against para 7 of statement of claim it has been alleged that no other punishment except the punishment of dismissal could be passed by an employer against the nature of wrong committed by applicant. Dismissal is the first & the last punishment only that may be awarded in this matter.

14. Against para 9 of statement of claim it has been alleged that the contention of the statement of claim is wrong that the orders were stereo type. The nature of wrong committed by the applicant invites only one punishment which is none other than the dismissal from the service. Dismissal of appeal was well within the framework of law. Against the contentions of para 10 of the statement of claim it has been alleged that they are the development of creation & afterthought. Order of punishment has been said to be in accordance with law & principle of natural justice. Contention of para 10(II) has been denied strongly. It has been alleged that no pressure of any kind was exerted either to commit theft of cheque or filling the amount in the cheque

or depositing in the account of the applicant. Entire activities were done by applicant himself in planned manner with wrong intention & when the entire matter came into light, the applicant accepted freely the wrong committed by him. No pressure of any kind was exerted on the applicant & the entire written confession has been made by himself voluntarily. After accepting the charges in writing by the applicant there remains no need to conduct enquiry.

15. It has been further mentioned as 'special statement' in the reply to statement of claim that if for any reason the tribunal comes to conclusion that enquiry is not complete in that event management reserves the right to prove the charges against the applicant before the tribunal. It has been prayed that the statement of claim be dismissed with heavy cost & the act of the applicant be declared as 'Misuse of the process of law'.

16. Heard Sh. Surender Singh Nalot, Advocate learned representative for the applicant & Sh. J.K. Agrawal, Advocate learned representative of the opposite party & perused the record carefully. No written arguments have been submitted from either side. During argument on fairness of enquiry written arguments were submitted from both the side beside oral argument. Order on fairness of enquiry was passed on 22.12.2015.

17. Following judicial precedent has been referred from the applicant side:-

1. 2003 II LLJ page 181, Chairman & Managing Director, UCO Bank .....Appellant v/s P.C. Kakkar.....respondent.

18. Reference has been made to the following citations from the opposite side :-

1. 2015 (144) FLR 1009 (SC), Diwan Singh....Appellant v/s Life Corporation of India.....Respondent.
2. 2013 (137) FLR 467, Karnataka High Court, C. Joseph ....petitioner v/s Divisional Controller, K.S.R.T.C., Mysore.....Respondent.
3. 2008-III-LLJ-567(SC), State Bank of India and Others....Appellant v/s S.N. Goyal.....Respondent.
4. 2007-I-LLJ, 562(SC), Depot Manager, A.P.S.R.T.C.....Appellant v/s Raghuda Siva Sankar Prasad.....Respondent.
5. 2005-I-LLJ, 865(SC), Bharat Heavy Electricals Ltd.....Appellant v/s M.Chandrasekhar Reddy and Others.....Respondent.
6. 2002-I-LLJ, 454 (SC), Devendra Swamy.....Appellant v/s Karnataka State Road Transport Corporation.....Respondent.
7. 2001-I-LLJ, 998,(D.B.), Karnataka High Court, North West Karnataka Road Transport Corporation.....Appellant v/s H.B. Nadiger.....Respondent.
8. 2000 -II-LLJ, 1395 (SC), Janatha Bazaar South Kanara Central Co-operative Wholesale Stores Ltd. & Others.....Appellant v/s Secretary, Sahakari Noukarara Sangha & Others.....Respondent.
9. 1971(1) SCC page 1, Channabasappa Basappahappali V/s The State of Mysore.

19. It has been argued by learned representative of the applicant that charge against the applicant has not been proved. It has been further submitted that plain papers with signature of the applicant were obtained from him with influence & assurance that management intends the well being of the applicant & with minimum possible punishment the matter against the applicant will come to end. Three plain papers signed by applicant were utilised by management to record his admission towards guilt & applicant was awarded maximum punishment of dismissal. It has been further argued on the quantum of punishment that punishment is disproportionate to the nature of guilt of the applicant. Countering the above argument it has been argued by learned counsel for the respondent that matter of obtaining three blank paper with signature of the applicant and using them for recording his confession has been dealt at length by the tribunal while dealing on the point of fairness of enquiry & domestic enquiry against the applicant has been held to be fair, hence, applicant cannot be allowed to raise the same plea by way of repetition. On the point of adequacy of

punishment it has been argued that punishment awarded by disciplinary authority is suitable and proportionate to the nature of the guilt of the accused. Reliance has been placed on the cases reported against Sr. No.1 to 8 referred by opposite party as indicated above.

20. From argument of both parties I consider it necessary at this stage to determine first whether in response to charge levelled against the applicant admission to guilt made by the applicant is voluntary & whether charge has been proved by management during domestic enquiry by adopting fair means.

21. According to statement of charge dated 20.12.2005 applicant is alleged to have stolen the cheque No. 59932 belonging to the branch of the LIC i.e. his employer & forged the signature of the authorised signatories Sh. C.P. Goyal & Sh. Mohan Lal on 13.10.2005. Further he credited the above said cheque to his own account no. 284059 of U.T.I. Bank, Ajmer Road & misappropriated a sum of Rs. 25,000/-.

22. Reply of the applicant dated 4.1.2006 against memo of charge dated 20.12.2005 as mentioned above clearly reveal that applicant has admitted in unambiguous terms that he had already accepted his guilt even before receiving the chargesheet. Assigning the reason for stealing the cheque & misappropriating the above said amount he has alleged in reply to memo of charge that his father had died in Feb., 2005 & there was responsibility on the applicant to pay the debt of his deceased father as well as debt incurred by him to meet the expenses of the last rites of his deceased father. The lenders were pressing him hard & issuing warnings in the event of non-payment of debt hence, applicant committed the alleged wrong as a result of pressure originated from the above circumstance. He has further alleged that the wrong committed by him would be the first & last wrong of his service. Finally, he has requested that his family consists of the aged mother whom he serves hence, his reply be considered sympathetically & the guilty act be pardoned. The above mentioned reply (Ex-2) lacks any indication that it was a forged statement made by management after securing signature of the applicant on blank paper. It has been contended by learned counsel for applicant that out of three signed blank papers obtained by management after exercising due influence, one paper was utilised as EX-2 & rest two paper were utilised for writing two other different statements both dated 20.10.2005 as shown at S.No.7 of Annex-1 to reply memo.

23. After receiving the reply of the applicant dated 4.1.2006 against memo of charge & after considering the statement of the applicant about his admission of the alleged guilt, Senior Divisional Manager/Disciplinary Authority has issued a show cause notice dated 20.3.2006 to the applicant with observation that the applicant has accepted the charge levelled against him therefore, there is no need to proceed further for a detailed enquiry. The disciplinary authority has alleged about his decision that applicant has misappropriated the money of the corporation & has proposed the punishment of dismissal of the applicant from service. Applicant has been directed to submit his reply within seven days after the date of receipt of show cause notice. Show cause notice has been replied by the applicant (Ex-4) as mentioned above wherein in para 1 he has reiterated the content of reply submitted by him against memo of charge. He has further requested that instead of dismissing him from service some other punishment may be considered to be awarded against him. After considering the reply to show cause notice disciplinary authority has passed the order of punishment (Ex-5) dated 13.5.2006. From perusal of reply to statement of charge & show cause notice against proposed punishment there is hardly any indication of the fact that reply to statement of charge was prepared on a signed blank paper secured by management by exercising wrong influence & adopting deceitful means over the applicant. It is further pertinent to mention at this stage that if blank signed papers were secured from the applicant by management after exercising undue influence & deceitful means it is expected that applicant must have made a complaint before the superior authority of the LIC or before the police at least after passing of the order of punishment, if not earlier. It is also important to mention that nowhere in the statement of claim also applicant has named any official who was responsible in securing his signature on blank paper or took part in preparing his reply relating to admission of guilt. Further, it is important to mention that nowhere during enquiry or before this tribunal it has been denied or disputed by the applicant that amount of Rs. 25,000/- to the account of his UTI bank was not credited by him or the alleged cheque was not stolen by him. Perusal of the conduct of the applicant reveals that date mentioned on the cheque is 7.10.2005 & cheque has been deposited on 13.10.2005. This indicates that after theft cheque was in possession of the applicant atleast for six days before crediting it to the account of applicant in U.T.I. bank. A Close scrutiny of the memo of appeal (Ex-6) shows that nowhere applicant has alleged that any fraud, pressure, deceit or any illegal act was exercised against him by any one to secure admission of guilt by him. Admission has been made by applicant in memo of appeal (Ex-6) as well as reply to show cause (Ex-4) also. Above conduct of the applicant makes it amply clear that theft of cheque &

misappropriation is the conscious & voluntary act of the applicant & allegations of exercise of pressure for first time in statement of claim is result of after thought. In background of the above facts it cannot be accepted that reply to statement of charge regarding admission of the guilt of the applicant was result of exercise of undue influence on applicant.

24. Reference has been made by learned representative of respondent to 1971 (1) SCC page 1, Channabasappa Basappahappali V/s The State of Mysore, on the point that admission of relevant facts is enough to hold that charge against the delinquent has been established. In 1971 (1) SCC page 1, Channabasappa Basappahappali V/s The State of Mysore, it has been held by Hon'ble Supreme Court that since the appellant admitted all the relevant facts on which decision could be given against him, therefore, it cannot be stated that the enquiry was in breach of any principle of natural justice. It has been further held that there is no distinction between admission of fact & admission of guilt.

25. Based on the above discussion I am of the view that argument of the learned representative of the applicant is not acceptable that admission of the guilt of the applicant is result of wrong influence of the management over the applicant. Accordingly, I hold that the admission of the guilt by the applicant is voluntary & without any pressure or influence & charge against the applicant has been proved by management & contention of the learned counsel of the applicant is not tenable that admission of the guilt by the applicant was obtained by deceitful means adopted by respondent management.

26. After perusal of pleadings of both the side, documents filed by them in support of their pleadings, result of the enquiry proceeding & precedents cited from both the side, I am of the view that there is no force in the argument of the learned representative of the applicant that without conducting the enquiry or without giving him opportunity of hearing order of punishment has been passed against the applicant. After receipt of memo of charge applicant has replied to the charge levelled against him & has admitted to have committed the wrong. After his admission there was no need to make appointment of an enquiry officer. His admission to the guilt has been clear, unqualified & unambiguous to hold the charge proved against him. Content of reply submitted by applicant is sufficient to infer that applicant committed the entire wrong alleged against him beginning with moving away of cheque from the custody of the management to the stage of misappropriating the fund by depositing the same in his account including forging of the signature of authorised signatory. In above circumstance after admission of entire above mentioned act by applicant there was no need to go ahead further with act of enquiry.

27. As far as the question of quantum of punishment is concerned, it has been argued by learned representative of the applicant that the punishment awarded is excessive & disproportionate looking into the nature of guilt. Reliance has been placed on the case reported in 2003 II LLJ page 181, Chairman & Managing Director, UCO Bank .....Appellant v/s P.C. Kakkar.....respondent. Countering the above argument it has been argued by learned representative of the respondent that disciplinary authority has awarded the most suitable punishment in the fact & circumstances of the case because in the event of loss of faith in the employee dismissal becomes inevitable against the misconduct of the delinquent. Reliance has been placed on number of decisions of Hon'ble Supreme Courts & various High Courts as noted below :-

28. In 2008-III-LLJ-567(SC), State Bank of India and Others....Appellant v/s S.N. Goyal.... Respondent, charge against the respondent Sh. S.N. Goyal was that when he was posted as Branch Manager he had received cash payments tendered by two customers of the bank, for being credited to their loan accounts, and temporarily misappropriated such amounts & had belatedly deposited them to the borrower's accounts (after about five months in one case & two & half months in another). The act of the respondent amounted to a misconduct violative of Rule 50(4) of the State Bank of India Officers Service Rules. An enquiry was held relating to above said charge & enquiry report dated 11.11.94 was submitted by the enquiry officer holding the charge proved against the respondent. The disciplinary authority furnished the copy of enquiry report to the respondent providing him an opportunity to show cause against the enquiry report. The disciplinary authority was inferior in rank to the appointing authority hence, the disciplinary authority after considering the enquiry record & representation against the respondent against the enquiry report made a recommendation to the appointing authority to impose the penalty of 'removal from service' on the respondent. The appointing authority after considering the entire material on record accepted the recommendation of the disciplinary authority & imposed the penalty of removal from service on the respondent on 3.5.95 & this decision of the appointing authority was communicated to the respondent by the disciplinary authority vide his letter dated 30.6.1995. Appeal & Revision (Review) against the order of

appointing authority were dismissed on 29.11.95 & 27.11.96 respectively. The respondent, thereafter, filed civil suit before the court of Civil Judge (Senior Division) to declare the order of removal dated 30.6.1995 & order of the appellate authority & reviewing authority as illegal & arbitrary & set aside the same with direction to reinstate him in the service with all consequential benefits. Learned Civil Judge (Senior Division) found that there was no violation of principle of natural justice in conducting the enquiry & the order holding the respondent guilty of misconduct was proper. However, the trial court found that the disciplinary authority by his earlier note dated 18.1.1995 had recommended imposition of the penalty of reduction of pay of respondent by four stages in his time scale & the appointing authority had agreed with the said recommendation on 18.1.1995. In view of the trial court, the order dated 18.1.95 agreeing with the recommendation of the disciplinary authority dated 18.1.95 was a final order of punishment by appointing authority & the appointing authority thereafter sought the advice of Chief Vigilance Officer & acting on the advice of Chief Vigilance Officer changed his earlier decision & imposed the higher punishment of removal from service vide order dated 3.5.95 which was based on extraneous reason which rendered the order of removal illegal, null & void. Accordingly, the order of removal dated 30.6.95 & order of the appellate authority dated 29.11.95 & order of the Reviewing authority dated 27.11.96 was set aside & appellant bank was directed to reinstate the respondent with all consequential benefits except back wages. The trial court reserved liberty to the appellant bank to pass a fresh order imposing appropriate penalty other than dismissal or removal from service.

29. Aggrieved by judgment of the learned Civil Judge both the parties filed appeals. The respondent did not challenge the finding of the trial court that domestic enquiry was fair & proper & his guilt was established. He limited his challenge to the quantum of punishment only & denial of back wages. It was contended by the appellant bank that after finding by trial court that enquiry was fair & proper & the finding of the guilt was justified, the learned trial court ought not to have set aside the order of punishment. The first Appellate Court upheld the decree of the trial court & further it was held that respondent was entitled to full back wages with 9% interest per annum thereon. Accordingly, the appeal of the bank was dismissed by the first Appellate Court & appeal of the respondent was allowed in part. Aggrieved appellant bank preferred second appeal which was dismissed.

30. The appellant bank preferred appeal before the Hon'ble Supreme Court against the order confirming the judgment of Hon'ble First Appellate Court which was allowed by Hon'ble Supreme Court & judgment & decrees of the courts below were set aside & suit of the respondent was dismissed. It was held by Hon'ble Supreme Court in para 28 of the judgment as under :-

“28..... Any misappropriation, even temporary, of the funds of the Bank or its customers/borrowers constitutes a serious misconduct, inviting severe punishment. When a borrower makes any payment towards a loan, the Manager of the Bank receiving such amount is required to credit it immediately to the borrower's account. If the matter is to be viewed lightly or leniently it will encourage other Bank employees to indulge in such activities thereby undermining the entire banking system. The request for reducing the punishment is misconceived and rejected.”

31. In 2013 (137) FLR 467, Karnataka High Court, C. Joseph ...petitioner v/s Divisional Controller, K.S.R.T.C., Mysore.....Respondent, petitioner C.Joseph while working as Assistant Helper B on 2.10.2003 at 5.45 a.m. while leaving the depot of the respondent K.S.R.T.C. Mysore was found stealthily carrying a new tube in a hand bag & was caught by the security personnel. He was issued with charge memo dated 5.12.2003 by disciplinary authority. Appellant submitted the reply to the charge memo & denied the charge levelled against him. The enquiry officer found him guilty of charge levelled against him. Disciplinary authority passed the order of punishment dismissing the appellant for misconduct of committing theft of the property of the management. The labour court found that finding of misconduct recorded by enquiry officer was correct & punishment was proportionate to the misconduct. Accordingly, claim petition of the appellant was rejected. Aggrieved by the award of the labour court appellant filed writ petition against the award before the Hon'ble High Court. Beside contending that finding of misconduct recorded against the petitioner is based on no evidence it was further submitted before the Hon'ble High Court on the point of punishment by learned counsel for the appellant that none exercise of power by labour court u/s 11-A of the I.D. Act, 1947 was unjustified because appellant had served the corporation for nearly 32 years hence, there was substantial failure of justice. The writ petition of the appellant was dismissed by Hon'ble High Court. It was observed by Hon'ble High Court in para 14 of the judgment as under:-

“14. The alternate contention of Sri M.C. Pyati with reference to the power of the Labour Court under section 11-A of the Act is concerned, the grave charge of theft of the property belonging of the Management having been proved, which being an heinous act, taking any lenient view with regard to the punishment is concerned would be wholly unjustified. Under similar circumstances, in the case reported at 2000 II LLJ 267, it has been held by this Court as follows:-

“7. In the instant case, the allegation made against the respondent is, committing theft of the property of the Management which is a very heinous act. Under the circumstances, taking any lenient view in the matter would cause damage to the discipline in the industry. Any lenient view in the matter and showing sympathy to the delinquent workmen who are found to be guilty of theft and fraud would amount to misplacing the sympathies. In view of the law laid down by the Supreme Court, a stringent view has to be taken against the delinquent workmen and any leniency in the matter of punishment is not warranted.”

32. In 2002-I-LLJ, 454 (SC), Devendra Swamy.....Appellant v/s Karnataka State Road Transport Corporation.....Respondent, appellant was a conductor in K.S.R.T.C., Bangalore. On 17.1.85 at about 5 pm when he was on duty plying the bus, he was intercepted by checking staff on route. It was found that there were 49 passengers in the bus & in spite of having collected the fare from all the passengers he had not issued ticket to 8 passengers. Departmental enquiry resulted into dismissal of the appellant from service. While imposing the punishment, the disciplinary authority had taken into consideration the previous service history of the appellant wherein he was found to have been involved in more than 41 cases of similar nature. On previous occasions the appellant was penalised by imposing punishment of withholding increments & still appellant did not show any sign of improvements & continued the act of misconduct. The learned Labour Court found the domestic enquiry defective & provided opportunity to the employer for adducing evidence to substantiate the charges against the appellant. The Labour Court found the charge of misconduct proved but formed an opinion that penalty of dismissal would be too harsh because amount of defalcation involved was small. Appellant was directed to be re-inducted in the same post where he was working & where from he was removed with denial of two increments with cumulative effect. He was also directed to be paid all back wages along with consequential benefits & cost of proceedings. Aggrieved by the award of Labour Court respondent corporation filed writ petition before Hon'ble High Court which was dismissed by Hon'ble Single Judge with finding that exercise of power by Labour Court u/s 11-A of the I.D. Act could not be termed as illegal. Respondent preferred writ appeal which was allowed & order of the Hon'ble Single Judge was set aside & the award of the Labour Court was quashed & order of the disciplinary authority was restored. Aggrieved by the judgement of Hon'ble Division Bench appellant filed appeal by special leave before the Hon'ble Supreme Court which was dismissed. It was held by Hon'ble Supreme Court in para 7 of the judgement as under:-

“7..... The opinion formed by the Labour Court that punishment of dismissal imposed by the management on the workman was too harsh and undeserved, was perverse finding and arrived at by ignoring the material as to previous acts of misconduct and punishments awarded to the appellant brought to the notice of disciplinary authority and the Labour Court. We are also of the opinion that the gravity of charge of misconduct for which the disciplinary proceedings were initiated and which charge was found to be substantiated by the Labour Court, seen in the light of previous service record of the appellant fully justified the punishment awarded by disciplinary authority.”

33. In 2001-I-LLJ, 998,(D.B.), Karnataka High Court, North West Karnataka Road Transport Corporation.....Appellant v/s H.B.Nadiger.....Respondent, respondent was conductor of the transport corporation. On 19.8.91 he was on duty as conductor of the bus of the corporation in which on inspection by checking squad it was found that 20 passengers were travelling without ticket though collection of fare @ Rs.3/- per passenger was collected by the respondent conductor. The respondent conductor was subjected to disciplinary enquiry in which misconduct was dully proved & he was dismissed from service. Before the Labour Court, he admitted the fairness of enquiry conducted by the corporation. Respondent offered to Labour Court to suffer Rs.15000/- as penalty & forgo the back wages in lieu of a direction by labour court to reinstate him back in service. The Labour Court without giving a finding that punishment awarded was 'shockingly disproportionate' accepted the plea of the respondent & directed to reinstate him in service subject to penalty of a sum of Rs.15,000/- to be paid by respondent conductor as a fine to appellant corporation. Aggrieved by award of the labour court corporation appealed against the award before the

Hon'ble High Court. The award of the Labour Court was affirmed by Hon'ble Single Judge of the High Court. Appeal against the judgment of Hon'ble Single Judge was allowed by Hon'ble Division Bench & order of Hon'ble Single Judge was set aside & award of the Labour Court was quashed. It was held by Hon'ble Division Bench of High Court in para 14 & 15 of the judgement as under:-

“14. On the fact of the present case and the law laid down by the Supreme Court, it cannot be said that the punishment imposed by the management was ‘shockingly disproportionate’. Therefore neither the Laour Court nor this Court could have directed for reinstatement substituting the major punishment of dismissal with a meager fine of Rs.15,000/- which such delinquents will always be ready to pay.

15. Deprecating misplaced judicial sympathies tending to subvert the rule of law, the Supreme Court in the case of Kerala Solvent Extractions Ltd. v. A. Unnikrishnan, 1994-II-LLJ-888 has held that in P.890 of LLJ:

“7. In recent times, there is an increasing evidence of this, perhaps well meant but wholly unsustainable, tendency towards a denudation of the legitimacy of judicial reasoning and process. The reliefs granted by the Courts must be seen to be logical and tanable within the framework of the law and should not incur and justify the criticism that the jurisdiction of Courts tends to degenerate into misplaced sympathy, generosity and private benevolence. It is essential to maintain, the integrity of legal reasoning and the legitimacy of the conclusions. They must emanate logically from the legal finds and the judicial results must be seen to be principled and supportable on those findings. Expansive judicial mood of mistaken and misplaced compassion at the expense of the legitimacy, of the process will eventually lead to mutually irreconcilable situations and denude the judicial process of its dignity, authority, predictability and respectability.”

34. In 2015 (144) FLR 1009 (SC), Diwan Singh....Appellant v/s Life Insurance Corporation of India.....Respondent, appellant Sh. Diwas Singh was a cashier in LIC of India posted at Bilaspur, Distt: Rampur, U.P. A policy holder deposited with the appellant a sum of Rs. 533/- towards half yearly insurance premium on 13.8.90 but the amount was neither deposited with LIC nor credited in the account of policy holder till 27.11.90, though a receipt was issued on the date of deposit on 13.8.90 by appellant. When LIC agent did not get his commission out of deposited premium by policy holder & made enquiries in this regard, aforesaid of amount of Rs.533/- was shown deposited by appellant with a late fee of Rs.15.90/- & entry was made in the cash register on 28.11.90. Beside this, a forged entry was made in ledger sheet on back date. A charge sheet was served on appellant in relation to above misconduct about temporary embezzlement of Rs.533/- for the period 13.8.90 to 27.11.90 & for forging entry of Rs.533/- in carbon copy of the ledger sheet dated 13.8.90 between two entries i.e. entries no.12 & 13. On conclusion of departmental enquiry appellant was found guilty & removed from service vide order dated 21.1.92. Appeal against order of dismissal was also dismissed by the department on 22.2.92.

35. Civil Miscellaneous Writ petition against the order of dismissal was allowed by Hon'ble Single Judge. Special appeal was preferred by employer before Hon'ble Division Bench. The Hon'ble Division Bench came to the conclusion that appellant had committed the forgery to cover his mistake & allowed the appeal partly by substituting the punishment of compulsory retirement in place of removal from service. Aggrieved by order of Hon'ble Division Bench the appellant employee challenged the order of Hon'ble Division Bench by way of special leave petition on the ground that punishment of compulsory retirement is disproportionate, unreasonable & harsh. The appeal of the appellant was dismissed by Hon'ble Supreme Court. It was held in para 10 of the judgement as mentioned below:-

“10. In Rajasthan State Road Transport Corporation and another V. Bajrang lal, this court, following the case of Municipal Committee, Bahadurgarh v. Krishnan Behari and others, has opined that in cases involving corruption there cannot be any other punishment than dismissal. It has been further held that any sympathy shown in such cases is totally uncalled for and opposed to public interest. The amount misappropriated may be small or large; it is the act of misappropriation that is relevant. In said case (Rajasthan SRTC), the respondent/employee was awarded punishment of removal from service. In the present case it is compulsory retirement. Learned Counsel for respondents submitted that on earlier occasion, appellant was awarded minor punishment, for his misconduct, regarding defalcation of stamps. And now he is found guilty for the second time.”



36. In 2000 –II-LLJ, 1395 (SC), Janatha Bazaar South Kanara Central Co-operative Wholesale Stores Ltd. & Others.....Appellant v/s Secretary, Sahakari Nourara Sangha & Others.....Respondent, the management of appellant cooperative society charged four of its employees, namely Smt. Seetha B, Sri D. Chandrashekhar, Sir Madhukar Shetty and Sri B. Damodhar Naik, with breach of trust and misappropriation of the value of goods amounting to Rs.24, 239.97 and Rs.19,884.06 during the period July 1, 1977 to June 30, 1978. The said charges were based on shortage of goods noticed on stock verification for the abovesaid period. After holding an enquiry, the management dismissed all the above employees. The Labour Court found the charges proved against the employees. However, in exercise of its discretionary powers u/s 11-A of the act ordered their reinstatement with 25% back wages with continuity of their service imposing penalty of stoppage of five increments with cumulative effect & for fixing their pay on the basis of imposition of such penalty from the date of their dismissal till the date of their reinstatement. Aggrieved by award of Labour Court both the parties filed writ petition before the Karnataka High Court. Both the writ petitions were dismissed by Hon'ble Single Judge confirming the award of the tribunal. Writ appeals filed by both the parties against the common order passed by Hon'ble Single Judge were dismissed by Hon'ble Division Bench. On the point of interference on punishment of dismissal by labour court it was held by Hon'ble Division Bench that reason given by labour court for coming to its conclusion could be considered as justifiable & sufficient to interfere with punishment imposed by the employer. Aggrieved by judgement of Hon'ble Division Bench appellant preferred appeal by special leave before the Hon'ble Supreme Court which was allowed. It was held by Hon'ble Supreme Court in para 6 of the judgement as under:-

“..... the learned single Judge and the Division Bench in writ appeals confirmed the findings given by the Labour Court that charges against the workmen for breach of trust & misappropriation of fund entrusted to them for the value mentioned in the charge-sheet had been established. After giving the said findings, in our view, the Labour Court materially erred in setting aside the order passed by the Management removing the workmen from the service and reinstating them with 25% back wages. Once act of misappropriation is proved, may be for a small or large amount, there is no question of showing uncalled for sympathy and reinstating the employees in service. Law on this point is well settled.....”

37. In 2007-I-LLJ, 562(SC), Depot Manager, A.P.S.R.T.C.....Appellant v/s Raghuda Siva Sankar Prasad.....Respondent, respondent Raghuda Siva Sankar Prasad joined the A.P.S.R.T.C. as cleaner on 2.10.1976. While working as mechanic in the night shift on Aug, 23/24, 1986 he committed theft of a fuel injection pump. Apart from this act he was also involved in stealing an alternator baring while on duty in the night shift on Sep., 11, 1986. Further, on Sep., 23/24, 1986 he entered into the tyre section of the depot unauthorisedly & stole a new tube. He was also alleged to have stolen a sponge sheet where he was working. He was charged for committing theft of all the above mentioned things in departmental enquiry. A criminal case was also initiated against him wherein he was acquitted of the charges by the criminal court. As a result of departmental enquiry he was removed from the service. In industrial dispute the labour court found that his removal was justified under factual circumstances of the case. Aggrieved by the award of labour court respondent preferred writ petition before the Hon'ble High Court. The Hon'ble Single Judge came to the conclusion that charges were correctly proved against the respondent, however, punishment of removal was found not in consonance with gravity of charges proved against him. It was held by Hon'ble Single Judge that the respondent had put in 12 years of unblemished service & deserves a lenient view in the matter, hence, he was directed to be reinstated in the service with continuity but without back wages. Aggrieved by the judgement of Hon'ble Single Judge the appellant preferred writ appeal before Hon'ble Division Bench under clause 15 of Letters patent which was dismissed by Hon'ble Division Bench vide order dated 29.6.2005. Aggrieved against the order of Hon'ble Division Bench appellant preferred civil appeal before the Hon'ble Supreme Court which was allowed. It was observed by Hon'ble Supreme Court in para 23 & 24 of the judgement as under:-

“23. It is also not open to the Tribunal and Courts to substitute their subjective opinion in place of the one arrived at the domestic Tribunal. In the instant case, the opinion arrived at by the Corporation was rightly accepted by the Tribunal but not by the Court. We, therefore, hold that the order of reinstatement passed by the single Judge and the Division Bench of the High Court is contrary to the law on the basis of a catena of decisions of this Court. In such cases, there is no place for generosity or sympathy on the part of the judicial forums for interfering with the quantum of punishment of removal which cannot be justified. Similarly, the High Court can modify the

punishment in exercise of its jurisdiction under Article 226 of the Constitution only when it finds that the punishment imposed is shockingly disproportionate to the charges proved.

24. Interfering therefore with the quantum of punishment of the respondent herein, is not called for. In our opinion, the respondent has no legal right to continue in the Corporation. As held by this Court, in a catena of judgments that the loss of confidence occupies the primary factor and not the amount of money and that sympathy and generosity cannot be a factor which is permissible in law in such matters. When the employee is found guilty of theft, there is nothing wrong in the Corporation losing confidence or faith in such an employee and awarding punishment of removal. In such cases, there is no place of generosity or place of sympathy on the part of the judicial forums and interfering with the quantum of the punishment.”

37. In 2005-I-LLJ, 865(SC), Bharat Heavy Electricals Ltd.....Appellant v/s M.Chandrasekhar Reddy and Others.....Respondent, respondent was working as Assistant grade-I in stores department of the appellant at Hyderabad. He borrowed House Building Advance by depositing title deeds of his properties as securities, creating an equitable mortgage in favour of the appellant. As per the terms of the said title deeds of the property belonging to the respondent was to be in custody of the appellant till the entire amount of the loan with interest, was discharged. While the mortgage was still subsisting and an amount of Rs.1,34,951/- was due from the respondent, the appellant's Officers came to know that certain public notices were published in the local Newspaper calling upon the intending purchasers to make their offers for the purchase of the property belonging to the respondent which was mortgaged to the appellant by deposit of title deeds. On the appellants coming to know of the same, its officers approached the advocate who on behalf of the respondent had issued the publication. They came to know that the original title deeds which were supposed to be in deposit of the company was in his custody. Obviously, because it was stealthily taken away from the custody of the appellant. Based on said facts a departmental inquiry was instituted and on the reports submitted by the Inquiry Officer holding the appellant guilty of the misconduct charged and taking into consideration the seriousness of the charge the services of the respondent were terminated.

38. The learned Labour Court confirmed the finding of the enquiry officer on the point of guilt but observed that punishment of dismissal from service was harsh in the circumstances. Respondent was directed by labour court to be reinstated in service as a fresh candidate in the post of Assistant grade-II. Appellant preferred a writ petition before the Hon'ble High Court against the order of learned labour court. Respondent also preferred writ petition against part of the order of the Labour Court holding respondent guilty of misconduct. Both the writ petitions were dismissed by Hon'ble Single Judge holding that there is any amount of spectrum of discretion vested with the tribunal in taking into consideration the facts & circumstances of the case. Against the judgement of order of Hon'ble Single Judge appeals were preferred by both the parties before the Hon'ble Division Bench & the writ appeals were dismissed. It was observed by Hon'ble Division Bench as under:-

“Having carefully considered the entire facts and circumstances of the case, we do not find any impropriety or illegality in the award of the Labour Court as confirmed by the learned single Judge in modifying the punishment of dismissal from service to that of reinstatement into service as a fresh candidate in the post of Assistant Grade-II. The Labour Court, in our opinion, had exercised its discretionary power under Section 11-A judiciously and has given valid and cogent reasons for modifying the punishment.....”. Aggrieved by the order of Hon'ble Division Bench appellant preferred the appeal before Hon'ble Supreme Court which was allowed & order passed in domestic enquiry dismissing the respondent from service was upheld. Referring to its own various earlier pronouncements on the point of punishment it was observed by Hon'ble Supreme Court in para 22 & 23 of the judgement as under:-

“22.In our opinion all the above judgments apply with full force to the facts of this case. The Labour Court has itself come to the conclusion the management has lost confidence in the respondent. If that be the case question of it exercising its jurisdiction under Section 11-A to alter or reduce the punishment does not arise.

23. That apart the reasons given by the Labour Court to reduce the penalty are reasons which are not sufficient for the purpose of reducing the sentence by using its discretionary power. The fact that the misconduct now alleged is the first misconduct again is no ground to condone the misconduct. On the facts of this case as recorded by the Labour Court the loss of confidence is imminent. No finding

has been given by the Courts below including Labour Court that either the fact of loss of confidence or the quantum of punishment is so harsh as to be vindictive or shockingly disproportionate. Without such finding based on records interference with the award of punishment in a domestic inquiry is impermissible.”

39. Reference has been made by learned counsel for the applicant to the case reported in 2003 II LLJ page 181, Chairman & Managing Director, UCO Bank .....Appellant v/s P.C.Kakkar.....respondent, on the point that punishment awarded to the applicant is disproportionate to the guilt attributed to him which has been countered by learned representative for the opposite party. In 2003 II LLJ page 181, Chairman & Managing Director, UCO Bank .....Appellant v/s P.C.Kakkar.....respondent, respondent was dismissed on 16.8.1988 by disciplinary authority after charges 1,2,3,6,7 & 8 were found established against him for commission of several act of misconduct while functioning as Assistant Manager of Mirzapur Branch. Appeal preferred before the appellate authority against the order of disciplinary authority failed. Similar was the fate of review application before appellate authority. In writ petition against the order of dismissal before the Hon'ble Allahabad High Court finding against the charges recorded were not challenged except the quantum of punishment. One of the point highlighted against the Quantum of punishment was that in similar situation lesser punishment was imposed on one Sh. M.L. Keshwani though the allegations against him were comparatively more serious than the respondent. The plea of the respondent was accepted by Hon'ble High Court & punishment given was held to be misappropriate & excessive. The order of punishment dated 16.8.88 was quashed & respondent was ordered to be reinstated in service. It was further held by Hon'ble High Court that since the matter has been pending for a long time it is directed that the petitioner will be given the punishment of being deprived of 75% of salary for the period from the date of removal to the date of reinstatement & he will be given a severe warning not to make such mistake in future but he will get seniority & continuity in service as if his service has not been terminated. Appellant preferred appeal before the Hon'ble Supreme Court & submitted that after having found the charges were established the High Court committed an error in interfering with quantum of punishment. After referring to various pronouncements of Hon'ble Supreme Court the matter was remitted back to the Hon'ble High Court for fresh consideration on the point of punishment. The appeal filed by appellant employer was accordingly disposed & the appeal of the employee was dismissed. It was observed by Hon'ble Supreme Court that there was no scope of such interference unless the punishment shocked the conscience of the court.

40. The case of Sh. Ganesh Meena is although a case of temporary misappropriation of the fund of the department which has been deposited by him back to the department after gap of about nine days but this fact cannot be allowed to escape from the notice that the applicant has deposited the money back only after it has come to the notice of the department. This fact also cannot be ignored that the case of Sh. Ganesh Meena is the one in which the department seems to have lost faith about the credibility of the applicant to have him retained for future service in the department. The fact of case of Sh. Ganesh Meena with no parity is completely different from the case of Sh. P.C.Kakkar referred by learned representative of the applicant hence, no benefit can be derived in favour of applicant from P.C.Kakkar's case.

41. It has been argued by learned representative of the applicant that applicant has deposited the alleged amount & department has not suffered any monetary loss, hence, applicant is entitled for immunity from the punishment which has been strongly opposed by learned counsel for respondent that after the fact of misappropriation proved against the applicant there can be no immunity from the punishment. It is pertinent to mention that in 2005 LAB I.C.3682 (Supreme Court), State Bank of India & another.....Appellant v/s Bela Bagchi and others.....Respondents it has been held by Hon'ble Supreme Court that it is no defence available to say that no loss resulted to the management because case was withdrawn by complainant/account holder or money was deposited back by delinquent. On the basis of the observation made by Hon'ble Supreme Court as mentioned above I am of the view that plea of the learned counsel for the applicant is unsustainable.

42. Looking into the result of series of pronouncements by Hon'ble Supreme Court & various Hon'ble High Courts as mentioned above it is clear that unless punishment awarded in facts & circumstances of a particular case shocks the conscience of the court, there is no scope of interference by the court or tribunal under section 11-A of the I.D.Act, 1947. In case of Sh. Ganesh Meena there appears no reason to interfere with punishment of dismissal awarded by the disciplinary authority.

43. For the foregoing reasons, I am of the view that all the objections raised on behalf of applicant Sh. Ganesh Meena are found to be meritless & unsustainable in law. Applicant has failed to prove that action

taken by management of LIC of India, Jaipur through Sr. Divisional Manager, Jaipur in dismissing the services of Sh. Ganesh Meena, Peon vide its order dated 13.5.2006 is illegal & unjustified. Applicant is not entitled to any relief as claimed by him in his statement of claim. Statement of claim is dismissed accordingly.

44. Award as above.

BHARAT PANDEY, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.155.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओरिएण्टल इश्योरेंस कम्पनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 3/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-17011/1/2011-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.155.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3/2012) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Oriental Insurance Company Ltd. and their workman, which was received by the Central Government on 19.01.2018.

[No. L-17011/1/2011-IR (M)]

D. K. HIMANSHU, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

**PRESENT :** M.V. DESHPANDE, Presiding Officer

#### REFERENCE NO.CGIT-2/3 of 2012

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

M/S. ORIENTAL INSURANCE COMPANY LTD.

The Regional Manager  
M/s. Oriental Insurance Company Ltd.,  
Mumbai Regional Office No.2,  
Oriental House, 7<sup>th</sup> Floor, 7, Jamshedji  
Tata Road, Churchgate, Mumbai – 400 020.

**AND**

THEIR WORKMEN

The Joint Secretary,  
General Insurance Employees' Union,  
Sterling Cinema Building,  
3<sup>rd</sup> Floor, 65, Murzban Road,  
Fort, Mumbai – 400 001.

#### **APPEARANCES :**

FOR THE EMPLOYER : Mr. Manoj M. Gujar, Advocate

FOR THE WORKMEN : Mr. J.H. Sawant, Advocate

**Mumbai**, dated the 30<sup>th</sup> October, 2017

**AWARD PART - I**

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-17011/1/2011 – IR (M) dated 18.01.2012. The terms of reference given in the schedule are as follows :

*“Whether the action of management of Oriental Insurance Company Ltd., Mumbai in imposing the penalty of reduction of pay scale by two stages and recovery of legal fees and other expenses amounting to Rs.12,800/- on Shri P.J. Rakshe, Record Clerk is legal, just and proper ? What relief the workman concerned is entitled to ?”*

2. After the receipt of the reference, both the parties were served with the notices. They appeared through their respective representatives.

3. The concerned workman has filed statement of claim Ex.7. According to the second party workman he is a permanent of first party management. He has been appointed by the first party management w.e.f. 10.6.1987. He has been working in the promotional post of Record Clerk. He was informed by letter dated 28.4.2006 that the departmental enquiry would be held against him under Rule 25 of General Insurance (Conduct, Discipline and Appeal) Rules, 1975. He was served with the charge sheet for alleged misconduct that while he was posted and functioning as Record Clerk in the Division office, Dadar during the year 2001, he committed misconduct to the effect that he with mala fide intention went to Division office of Ghatkopar on 10.10.2001 to get the policy No. 31/2001/01905 expired on 16.7.2001 belonging to Shri Daulat S. Narwade, renewed, he unauthorisedly put the date stamp on the date and stamp on the above office policy docket with date showing 9.10.2001 and put remarks “Please correct period and date” in order to bring the accidental vehicle within purview of Insurance Policy No. 31/2002/03886 and thereby exposed the first party to bear unwarranted T.P. liability vide MACT Case No. 2731/2001 arisen out of accident of vehicle No. MH-3-F 673 on 9.10.2001 causing injury to a third party and thus by his above act failed to maintain absolute integrity, devotion to duty, exhibited the conduct unbecoming of a public servant and acted in a manner prejudicial to the interest of the company, thereby violated Rule 3 (1) (i) (ii) (iii) Rule 4 (1), (5) of General Insurance (Conduct, Discipline and Appeal) Rules, 1975.

4. According to the concerned workman, he had denied the charges leveled against him by his letter dated 9.6.2006. However, the enquiry proceedings were held on 10.7.2008 and 31.7.2008 before the Enquiry officer Smt. Sunita Ingle, Assistant Manager of the First party and thereafter the first party without considering the submission made by him vide his letter dated 3.11.09 imposed punishment of reducing his two increments.

5. According to the concerned workman, the Enquiry Officer conducted the enquiry and submitted his report in haste and without considering all the facts on record. The principles of natural justice were not followed while conducting the enquiry. As such the enquiry is bad in law and is liable to be set aside.

6. It is also the contention of the concerned workman that the charge sheet has been issued under General Insurance (Conduct, Discipline and Appeal) Rules, 1975 which have no force of law. The first party is governed by the Industrial Employment (Standing) Orders Act, 1946 and the Industrial Employment (Standing Orders) Central Rules, 1946. There are no certified orders for the establishment of the first party. Similarly, the establishment of the first party is not exempted by the Central Government from the Industrial Employment (Standing) Orders Act, 1946. Therefore Model Standing Orders (Central) as prescribed in Schedule I to the Industrial Employment (Standing Orders) Central Rules, 1946 have no application. Since the charge sheet has not been issued nor the disciplinary proceedings have been initiated and conducted in accordance with Model Standing Orders (Central) Schedule I, the disciplinary action taken against him is liable to be quashed.

7. It is also the contention of the concerned workman that Mr. J.H. Kasar and W.G. Mhatre were present in the enquiry held on 1.9.09 as charge sheeted employees and Mr. Jai Kumar and Mr. Bipin Navsariwala were present in the said enquiry as Defence Assistant. Presenting Officer put leading questions to Mr. Ajay R. Pote, Vigilance officer of the first party. Such action of the Enquiry officer to put the leading questions to the witnesses is against the principles of natural justice.

8. It is then contended that the hand writing expert was not examined during in the enquiry proceedings and no second opinion from the hand writing expert approved by the government was obtained by the Enquiry officer who relied upon the hand writing expert opinion and no opportunity was given to him to examine the hand writing expert. As such the findings of the Enquiry officer are perverse. The punishment imposed of reduction of pay by two stages and recovery of legal fees and other expenses amounting to Rs.12,800/- on the second party is illegal, unjust and improper. He is therefore asking for giving directions to the first party to make the payment of wages and other benefits to him without any reduction of pay and without any recovery of his wages as if no such punishment has been

imposed upon him. He is also asking for directions to the first party to make the payment of arrears with interest @ 10% retrospectively.

9. The first party management resisted the claim by filing written statement Ex.14. It is contended that the second party workman was employed with the first party as Record Clerk at their Dadar Division office during the relevant period. He during working hours without any intimation and / or permission of his superiors had gone to Division office of the first party situated at Ghatkopar on 10.10.2001. The second party workman made the endorsement on expired policy No. 31/2001/1905 in the arbitrary manner with a view to renew policy in favour of Shri D.S. Narwade. The concerned workman unauthorisedly put the date stamp on the policy docket with the date showing 09.01.2001 and put remarks "Please correct period and date" in order to bring the accidental vehicle of Mr. D.S. Narwade within the purview of the expired Insurance Policy and thereby exposed the first party to bear unwarranted Third Party liability and release the amount. The said action of the second party incurred the first party with financial losses as such the second party acted dishonestly with first party company. Accordingly, he was charge-sheeted. Charge sheet was issued on 28.4.2006. He received the charge sheet and replied the same vide his letter dt. 9.6.2006. The management of the first party decided to institute disciplinary action against the second party. Accordingly, domestic enquiry was initiated and conducted by the first party into the charges leveled against him as provided under General Insurance (Conduct, Discipline and Appeal) Rules, 1975.

10. It is the case of the first party management that Mr. S.K. Basu was appointed as Enquiry Officer who conducted the enquiry in an impartial manner from 29.7.2009 to 1.9.2009 and full opportunity to defend the case was given to the second party by the Enquiry Officer. The second party participated in the said proceedings and fully defended himself. As such the enquiry held against the second party is fair, proper and legal.

11. It is also the case of the first party management that Enquiry Officer submitted his report and findings dt. 21.10.2009 to the management and has held that the charges leveled against the second party are duly proved and second party is guilty of charges. Copy of the same was given to the second party. Entire due process of law was completed. The report of the Enquiry Officer is based on evidence. Copy of the enquiry report was given to the second party and he has replied the same vide his letter dt. 3.11.2009. As such the first party complied with the entire process of law before awarding punishment to the second party. Accordingly, after considering the entire records and findings of the Enquiry Officer as well as the past service record of the second party, the first party passed order dt. 27.1.2010 and 8.2.2010 against the second party and punished him by imposing penalty of reduction of pay scale by two stages and recovery of legal fees and other expenses amounting to Rs.12,800/-.

12. It is thus the case of the first party management that the enquiry held against the concerned workman was fair and proper and the findings of the Enquiry officer are based on evidence. First party management thus sought dismissal of the reference.

13. Following issues are framed at Ex.9. I reproduce the issue No.1 & 2 along with my findings thereon for the reasons stated below :

Sr. No.	Issues	Findings
1	Whether the inquiry against the second party workman was fair and proper ?	Yes
2.	Whether the findings of the Inquiry officer are perverse ?	No

### REASONS

#### Issue No. 1 & 2

14. In respect of the enquiry proceedings, the Learned Counsel for the second party contended that the charge sheet has been stated to be issued under General Insurance (Conduct, Discipline and Appeal) Rules, 1975 and as such the General Insurance (Conduct, Discipline and Appeal) Rules, 1975 have no force of law at all. According to the Learned Counsel for the second party, the first party is governed by Industrial Employment (Standing) Orders Act, 1946 and the Industrial Employment (Standing Orders) Central Rules, 1946. Since there are no certified standing orders for the establishment of the first party and the first party is not exempted by the Central Government from the Industrial Employment (Standing) Orders Act, 1946, the Model Standing Orders (Central) as prescribed in Schedule I to the Employment (Standing Orders) Central Rules, 1946 shall prevail. In the present case, according to him, since the charge sheet has not been issued and the departmental enquiry has not been initiated and conducted in accordance with

Model Standing Orders (Central) Schedule I, the entire disciplinary action taken against concerned workman is liable to be quashed and set aside.

15. In this respect, it will have to be said that the second party workman has agreed to abide by rules and regulations as provided by General Insurance (Conduct, Discipline and Appeal) Rules, 1975. Even it appears from the evidence of the concerned workman that during enquiry he has not taken any objection for the enquiry in any respect. As such the enquiry is conducted as per the General Insurance (Conduct, Discipline and Appeal) Rules, 1975 in respect of misconduct. The rules also provide for misconduct and penalty procedure thereof. By letter Ex.15 the concerned employee was informed that the disciplinary enquiry under rule 25 of General Insurance (Conduct, Discipline and Appeal) Rules, 1975 was proposed to be held against him and accordingly article of charge was framed against him alleging that he violated rule 3 (1)(i)(ii)(iii), Rule 4 (I) and 5 of General Insurance (Conduct, Discipline and Appeal) Rules, 1975. After receiving the charge sheet the concerned workman has not taken objection in writing mentioning therein that such enquiry cannot be conducted in accordance with Model Standing Orders (Central) Schedule I. Even otherwise it has not been established by the concerned employee that there is no certified standing orders for the establishment of the first party or the establishment of the first party is not exempted by Central Govt. from the Industrial Employment (Standing) Orders Act, 1946. At this stage it cannot be said that even after taking the objection from the concerned employee in respect of procedure that has been followed for conducting the enquiry, the enquiry was conducted in haste or they have not followed the procedure as is laid down in General Insurance (Conduct, Discipline and Appeal) Rules, 1975.

16. The question creeps in is whether the second party was given sufficient opportunity to defend himself or not ? It is because in departmental enquiry the evidence is to be appreciated on the basis of preponderance of probability. If sufficient opportunity is given to the second party to defend himself and to make out his defence and then thereafter the evidence is appreciated then it cannot be said that the enquiry was not fair & proper.

17. In this respect if we see the evidence of the concerned workman, he admits that he has received the charge sheet. He even admits that he has received the documents during the enquiry. It is admitted by him that he has replied the charge sheet through union. As per his own admission, he has participated in the enquiry and during enquiry he himself as well as his representative has signed the proceedings. Admittedly, the evidence of the witness was recorded in his presence and in the presence of his representative. As per his glaring admission, he was given opportunity to submit his evidence in defence. The report & findings were made available to him. That itself is sufficient to demonstrate that the enquiry held against the concerned workman in respect of charges leveled against him is fair & proper.

18. Even then the Learned Counsel for the concerned workman submitted that principles of natural justice have not been followed while conducting the enquiry proceedings. He submits that the Enquiry officer of the first party held the proceedings on 29.7.2009 vide Ex.21 and on 17.8.2009 vide Ex.23. On 17.8.2009 the second party was cross examined by the Presenting officer even before the evidence led by the first party and thereby he was forced to disclose his defence. Submission is also to the effect that the Presenting officer was allowed to put the leading questions to the witness which is against the principles of natural justice and in that sense the principles of natural justice were not followed while conducting the enquiry proceedings.

19. I have gone through the enquiry proceedings. It appears that as per daily order sheet dated 10.7.2008, Presenting officer was present, charge-sheeted employee was present and on that day the charge sheeted employee i.e. concerned workman was asked whether he received charge sheet and whether he understood the charge sheet to which he answered in affirmative. On that day it was also asked to charge sheeted employee whether he wanted to appoint the Defence Assistant and accordingly the Defence Assistant was appointed.

20. It is no doubt true that on 17.8.2009, it appears that Presenting officer asked some questions to the charge-sheeted employee to which he replied and that time the D.A. Mr. George had asked for the attendance sheet of the concerned employee and also suggested for second opinion of the hand writing expert and therefore it was decided to take the decision on these points with the approval of the competent authority.

21. On going through these proceedings dt. 17.8.2009 and on reading the entire daily working sheet of dated 17.8.2009 by no stretch of imagination it can be said that the concerned workman was forced to disclose his defence. But then the fact remains that the evidence of the witness Mr. Pote was recorded on 1.9.2009 and that time the defence representative was present who cross examined the witness in presence of concerned workman. Even this is admitted by the concerned workman that during enquiry proceedings he did not take any objection in any manner. He fully participated in the enquiry and opportunity was given to him to submit his evidence in defence. If this is so, then it cannot be said that the enquiry was not fair & proper.

22. Learned Counsel for the concerned workman seeks to rely on the decision in case of C.M. Rajasthan Road Transport Corpn. Vidyadhar Nagar Depot Jaipur V/S. Sukhvir Singh [deceased] through legal heirs, 2011 II CLR 117

to submit that in domestic enquiry the employer should first take steps to lead evidence against the workman charge-sheeted, give opportunity to the workman and his representative to cross-examine the said witness and then workman be asked whether he wants to give explanation about the evidence led against him.

23. In the instant reference the evidence of Mr. Pote was recorded by the employer. Even concerned workman and his representative were given opportunity to cross examine the said witness and then the opportunity was also given to the concerned workman to explain about the evidence. This is even admitted by the concerned workman in his cross examination who admits that his representative cross examined the management witness on his behalf and he was made to understand as to what happened during enquiry. Admittedly, his representative cross examined management witness on his behalf and he has not made any objection in this respect during the enquiry. He even admits that he was given opportunity to submit his representation during enquiry. He received the report and findings in respect of the enquiry and also replied the report and findings. This clearly shows that the enquiry held against him was fair & proper. It has not been established on behalf of the concerned workman that the Enquiry officer was biased against him.

24. Learned Counsel for the concerned workman submitted that during enquiry he has stated before the Enquiry officer that the opinion taken by the first party of hand writing expert is not acceptable to him and it was necessary to take the opinion of government approved hand writing expert. In this view it is submitted that first party has not recorded the evidence of government approved hand writing expert but then took into consideration the opinion of hand writing expert which was on record.

25. In my considered view, when the appreciation of the evidence in departmental enquiry is on the basis of preponderance of probability then while appreciating the evidence there is nothing wrong to take into consideration the documents on record which were obtained during the enquiry to have corroboration to the evidence of the witness who has been examined during enquiry. On going through the report of the Enquiry officer, it appears that he has appreciated the evidence of Mr. Pote and came to the conclusion that the concerned workman has done the changes in the policy period by putting remark "please change date and time" on the previous year policy copy when he got to know that new policy bearing No. 2002/3886 is renewed from 10.10.2001 to 9.10.2002 and then the hand writing expert opinion was considered as a piece of evidence to confirm his findings to come to the conclusion that the misconduct of the concerned workman is proved. So on going through the enquiry report, it appears that his finding is based on evidence. Mere denial of hand writing expert's report by the concerned workman will not do. He has not adduced the evidence to disapprove the evidence of the hand writing expert which is on record.

26. Learned Counsel for the concerned workman in the context seeks to rely on the decision in case of Kanchan Singh V/S. State of Gujarat, AIR 1979 [SC Pg. 1011].

27. That was case wherein the appellant was convicted u/s. 5 (2) of Prevention of Corruption Act and section 467, 471, 477 (A) of IPC. On perusal of judgment of Hon'ble High Court, it clearly showed that almost entire part of the prosecution case has not been accepted by the Hon'ble High Court. The Hon'ble Apex Court in that case has observed that the expert's opinion in that case was not relied. In the circumstances, it was observed that the prosecution has not proved its case beyond reasonable doubt. This being the departmental proceedings as stated earlier, evidence is to be appreciated on the basis of preponderance of probability and it is not necessary to prove the charges beyond doubt. Obviously, therefore the observations in the cited dictum does not help the concerned workman.

28. Considering all these facts, specifically the report of the Enquiry officer, I find that his report is based on evidence. It cannot be said that his findings are perverse. Hence I answer the above issues accordingly as indicated against each of them in terms of above observations.

29. Hence, I hold that the departmental enquiry held against the concerned workman is just and proper and findings are not perverse. Accordingly, I proceed to pass the following order.

### **ORDER**

1. Enquiry is held fair & proper.
2. Findings of the Enquiry officer are not perverse.
3. Parties are directed to argue / lead evidence on the point of quantum of punishment.

Date: 30.10.2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.156.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन. जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय



सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 65/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-30011/80/2005-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.156.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/2005) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and other and their workman, which was received by the Central Government on 19.01.2018.

[No. L-30011/80/2005-IR (M)]

D. K. HIMANSHU, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : M.V. DESHPANDE, Presiding Officer

#### REFERENCE NO.CGIT-2/65 of 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

O. N. G. C. & RAVI RAJ & COMPANY

The Executive Director,  
O. N. G. C.,  
Vasudhara Bhavan,  
Bandra (E), Mumbai – 400 051.

M/s. Ravi Raj & Company,  
RH-5, Gimmy Park 1, Sector – 17,  
Phase – 1, Nerul, Navi Mumbai,  
Mumbai – 400 706.

**AND**

THEIR WORKMEN

The General Secretary,  
Nhava Sheva Port & General Workers' Union,  
2<sup>nd</sup> Floor, Port Trust Kangar Sadan,  
Nawab Tank Road, Mazagaon,  
Mumbai – 400 010.

#### **APPEARANCES:**

FOR THE EMPLOYER : Mr. G.D. Talreja, Advocate

FOR THE WORKMEN : Mr. J.H. Sawant, Advocate

Mumbai, dated the 9<sup>th</sup> October, 2017

#### **AWARD**

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-30011/80/2005 – IR (M) dated 08.04.2005. The terms of reference given in the schedule are as follows :

*“Whether the Nhava Sheva Port & General Workers’ Union against the management of Oil & Natural Gas Corporation Ltd. for absorption of workmen employed for stevedoring justified ? If so, what relief the workman is entitled ?”*

2. After the receipt of the reference, both the parties were served with the notices.

3. Learned advocate for the second party submits that the union has signed the Memorandum of Settlement dated 19.9.16 with the management of first party for protection and continuation of service of the concerned workman, covered under this reference on payment of fair wages allowances and other benefits irrespective of the contractor that may be appointed by ONGC for stevedoring work from time to time with the condition that the pending case in the court of law would be withdrawn and therefore the union is not interested in pursuing the matter. The union is therefore praying for disposing the reference for want of prosecution.

4. Other side has no objection. Hence in view of Pursis Ex.52 the reference is disposed of for want of prosecution by second party workman being represented by the union.

7. Accordingly I pass the following order.

### ORDER

Reference is disposed of for want of prosecution.

Date: 09.10.2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.157.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन. जी.सी. लिमिटेड एवं अन्य के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 47/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-30012/38/2009-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.157.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/2010) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and other and their workman, which was received by the Central Government on 19.01.2018.

[No. L-30012/38/2009-IR (M)]

D. K. HIMANSHU, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

**PRESENT :** M.V. DESHPANDE, Presiding Officer

#### **REFERENCE NO.CGIT-2/47 of 2010**

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

O. N. G. C.

The Chairman-cum-Managing Director,  
O. N. G. C.,  
Tel Bhavan,  
Dehradun – 249 008.

**AND**

THEIR WORKMEN

Shri Narayan Baburao Lokare,  
D/704, Asha Shakti, Samarth Gardens,  
Off. LBS Road,  
Bhandup (W),  
Mumbai – 400 078.

**APPEARANCES :**

FOR THE EMPLOYER : Mr. P.A. Deogaonkar, Advocate

FOR THE WORKMEN : Mr. M.B. Anchan, Advocate

Mumbai, dated the 9<sup>th</sup> October, 2017

**AWARD**

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-30012/38/2009 – IR (M) dated 22.04.2010. The terms of reference given in the schedule are as follows :

*“Whether the action of the management of ONGC, Mumbai dismissing Shri Narayan Baburao Lokare from his services w.e.f. 29.6.1994 is justified and legal ? What relief the workman is entitled to ?”*

2. After the receipt of the reference, both the parties were served with the notices.

3. Learned advocate for the concerned workman submits that the concerned workman is no more. Even though his affidavit is filed on record, he could not be cross examined and after his death his legal representative could not be brought on record.

4. It appears that the legal representatives of the deceased workman have not been brought on record even after the prescribed period of limitation. Written statement is filed but then since there is no evidence on behalf of the concerned workman, I find that there is no material on record for granting the relief to the concerned workman since he did not take steps in support of his claim.

5. One Shaligram Mishra has filed application for allowing him to be the party in the case as majority of the workers want to represent this case. That cannot be permitted since union has not espoused the case of concerned workman at the time of reference.

6. It appears that no one is interested in prosecuting the reference and no steps have been taken. Hence the reference is disposed of for want of prosecution

7. Accordingly I pass the following order.

**ORDER**

Reference is disposed of for want of prosecution.

Date: 09.10.2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.158.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मुंबई इन्टरनैशनल एयरपोर्ट प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुंबई के पंचाट (संदर्भ संख्या 12/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-11011/5/2008-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.158.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2009) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of M/s. Mumbai International Airport Pvt. Ltd. and their workman, which was received by the Central Government on 19.01.2018.

[No. L-11011/5/2008-IR (M)]

D. K. HIMANSHU, Under Secy.

### ANNEXURE

### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : M.V. DESHPANDE, Presiding Officer

### REFERENCE NO.CGIT-2/12 of 2009

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

MUMBAI INTERNATIONAL AIRPORT PVT. LTD.

Shri G.V.K. Reddy,  
CMD, Mumbai International Airport,  
Private Ltd.,  
CST International Airport,  
Mumbai – 400 099.

AND

THEIR WORKMEN

The General Secretary,  
Bharatiya Kamgar Sena,  
Prabhul Ben Society, R.K. Vaidya Road,  
Dadar [W], Mumbai – 400 028.

### APPEARANCES :

FOR THE EMPLOYER : Ms. Mitra Das, Advocate

FOR THE WORKMEN : Mr. Abhay Kulkarni, Advocate

Mumbai, dated the 1<sup>st</sup> November, 2017

### AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-11011/5/2008 – IR (M) dated 17.02.2009. The terms of reference given in the schedule are as follows :

*“Whether the contract between Mumbai International Airport Private Limited and Other contractors employing the workers mentioned in the Annexure – A (List enclosed) to the industrial dispute and employed in the establishment of Mumbai International Airport Private Limited, as loaders and Drivers is sham and bogus? If so, what relief the workmen are entitled to?”*

2. After the receipt of the reference, both the parties were served with the notices.

3. This is an application filed by the second party contending therein that it had passed the declarations of the concerned workmen confirming that they do not want to pursue the reference and they wanted to delete their names from the proceedings. Accordingly, their names are deleted from the proceedings.

4. It is contended that total number of workmen is 24. They have separately filed their declarations and as per their applications names of 11 workmen came to be deleted as per order dt. 14.12.2016. Names of 10 workers is also deleted as per the declarations made by them. The workman namely Rajendra Ghawas has passed away and other workman namely Hitendra Naik never joined the services of Shree Sai Rent A Car Pvt. Ltd. Sanjay Kendre has also resigned from the services of Shree Sai Rent A Car Pvt. Ltd. and those 3 persons have no claim as sought under the present proceedings. Since other workers concerned with reference have settled the dispute and by their declarations itself their

names can be deleted, their names are deleted. Now the reference itself can be disposed of since the concerned workmen have settled their claims.

5. Other side has not filed any say to this application. However, considering the fact that 24 workmen have settled the dispute and their names are deleted and the remaining 3 workmen have also no claim against the first party, the reference is disposed of in view of the application of the second party.

4. Accordingly I pass the following order.

### ORDER

Reference is disposed of.

Date: 01.11.2017

M. V. DESHPANDE, Presiding Officer

नई दिल्ली, 22 जनवरी, 2018

**का.आ.159.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स गुडविन ग्रुप फॉर फैसिलिटीज एण्ड सर्विसेज, सिक्यूरिटी एण्ड अलाइड सर्विसेज के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या 34/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.01.2018 को प्राप्त हुआ था।

[सं. एल-30011/11/2015-आईआर (एम)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 22nd January, 2018

**S.O.159.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2015) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Goodwin Group for Facilities & Services, Security and Allied Services and their workman, which was received by the Central Government on 19.01.2018.

[No. L-30011/11/2015-IR (M)]

D. K. HIMANSHU, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

**PRESENT : M.V. DESHPANDE, Presiding Officer**

#### REFERENCE NO.CGIT-2/34 of 2015

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

GOODWIN GROUP FOR FACILITIES & SERVICES,  
SECURITY AND ALLIED SERVICES

The Proprietor,  
Goodwin Group, For Facilities & Services,  
Security and Allied Services,  
807/1(5), Quinton Manor, NH-17,  
Near Holy Family Chapel,  
Above SBI Personal Banking,  
Alto-Porvorim  
Goa – 403 521.

**AND**

THEIR WORKMEN

General Secretary,  
Gomantak Mazdoor Sangh,  
G-5, Macedo Appt., Tisk-Ponda  
Goa – 403 401.

**APPEARANCES :**

FOR THE EMPLOYER : Mr. Noel Goodwin, Representative

FOR THE WORKMEN : Mr. P. Gaonkar, Representative

Mumbai, dated the 1<sup>st</sup> November, 2017

**AWARD**

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-30011/11/2015 – IR (M) dated 03.06.2015. The terms of reference given in the schedule are as follows :

“Whether the action of M/s. Goodwin Group, for facilities and services, Security and Allied services, Alto, Porvorim, Goa in not taking the component of HRA while calculation of overtime payment contrary to the provision of MW Act, 1948 in respect of security guard deployed by him in the establishment of ONGC Ltd., Institute of Petroleum Safety, Health and Environment Management, Betul, South Goa is legal, proper and justified ? If not, what relief the workmen are entitled to ?”

2. After the receipt of the reference, both the parties were served with the notices. They appeared through their respective representatives.

3. Second party workman filed statement of claim Ex.6. According to the concerned workmen, party No.1 is an establishment supplying contract workers at ONGC Institute situated at Betul, Selcette Goa. There are security guards engaged by ONGC through party No.1 and they are working since last several years. On several occasions these contract security guards are required to work overtime and for the last 3 years they have worked on overtime for several times. But they are paid overtime only on basic wages and their other allowances such as HRA were not considered for the purpose of overtime calculation.

4. According to concerned workmen, the workmen who worked on overtime are entitled to overtime wages at the twice rate of ordinary rate of wages. Hence the calculation ought to have done by taking into consideration HRA paid to them in their monthly / daily wages. They are paid by DGRS rates and under DGRS rates the workers are entitled for 10% HRA on basic and varied D.A. As such they are being paid HRA as one component in monthly salary of the workers. They have worked for overtime for last 3 years and they are not paid overtime at the twice rate of ordinary rate of wages. Hence they raised the industrial dispute before RLC [Central] Vasco De-gama. They are therefore asking for declaration to the effect that the action of the management in not paying the overtimes by adding HRA is illegal. They are also asking the relief of payment of balance overtime wages by adding HRA component to their wages for the last 3 years along with 15% interest and the cost.

5. First party management has resisted the claim by filing written statement Ex.7. It is the case of first party that it has paid overtime wages to the security guards at basic wages and D.A. which is the ordinary wage. It is submitted that the first party is Government of India, Ministry of Defence, Dept. of Ex-Servicemen Welfare Department, Director General of Re-settlement (DGR), New Delhi empanelled and sponsored by security agencies. The agencies sponsored under this Ex-Servicemen Welfare Scheme by DGR to provide Ex-Servicemen security personnel for security covered to public sector undertakings. In order to make out the short-fall of ex-servicemen, 10% of the entire strength can be civilian guards as provisioned. The Welfare security scheme is governed by the directives / policies laid down from time to time vide office memorandum issued by the Government of India, Ministry of Defence, Dept. of Ex-Servicemen Welfare, New Delhi. Thos directions are to be followed in letter and spirit. The scheme is stringently governed by minimum wages governed by Ministry of Labour & Employment, Government of India for employment of personnel for watch and ward duties. The Welfare security services scheme follows the extra wages for overtime rules laid down in Chapter VI para 25(I) (B) of the Minimum Wages Act, 1948. Ordinary rate of wage or minimum wages are the wages notified by the Ministry of Labour & Employment from time to time. Minimum wages are ordinary wages which include basic wage + variable D.A. In Variable D.A., the HRA is already included. The Central Government wages have no separate HRA whereas the DGR has which is exclusively meant for ex-servicemen under the provisions of para 2 (h) (IV) of the Minimum Wages Act, 1948. Para 3 (b) of DGR letter clearly states that the HRA given separately is not to be considered while calculating the overtime, as HRA is already included in the basic + variable D.A. and is calculated for overtime. The separate HRA is only meant for ex-servicemen. HRA is not paid to security guards and hence the question of paying overtime on HRA given out of ordinary wages does not arise at all.

6. It is also a case of the first party that the party No.1 has not violated the DGR governed or DGR directives on disbursement of the wages to its employees', deployed in ONGC. It has thus sought the rejection of the reference.

7. Following issues are framed at Ex.11. I reproduce the issues along with my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
1	Whether the second party workmen are entitled to overtime wages at twice the rate of normal wages by taking into account the HRA paid to them in their monthly wages ?	No
2.	Whether the action of management in not paying the overtime wages by adding HRA is illegal and unjustified ?	No
3.	Whether the second party workmen are entitled to payment of balance overtime wages by adding HRA component to their wages for last three years with 15% interest ?	No
4.	Whether the second party workmen are entitled to relief sought ?	No
5.	What Order ?	As per final order

### REASONS

#### **Issue No. 1 & 2**

8. The dispute lies in narrow compass. It is on the point whether HRA which is part from minimum wage for ordinary wages is to be included while calculating the overtime wages. There is no dispute in respect of payment of overtime at twice the rate of ordinary wages to the workmen. The office of RLC [Central] Vasco De-gama had already examined and satisfied that overtime were being paid at the twice rate of minimum / ordinary wage to the workmen by first party. So now the dispute is whether the HRA given outside the basic + VDA should be included while calculating the overtime wages or not ?

9. Admittedly, the security guards have worked for overtime for last 3 years whenever they assigned the work and they have been paid overtime wages at the twice rate of minimum wages. It is also admitted that the central notification is being followed by DGR agencies. All employees engaged by DGR sponsored ESM for security work at CPSU/s will be paid monthly wages in accordance with the minimum wages notified by Ministry of Labour & Employment.

10. The wages as defined under Minimum Wages Act, 1948 means all remuneration capable of being expressed in terms of money, which would, if the terms of contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, [and includes house rent allowance], but does not include gratuity, supply of light, water, medical attendance and travelling allowance etc. etc. .

11. In the context, reliance is placed on the decision in case of V.E. Jossie, MCM (AE), NAY & Ors. V/S. The Flag Officers Commanding in Chief & Ors. OP (CAT) No. 2154 of 2011 (Z) in which the Hon'ble Kerala H.C. held that,

“The Phrase ‘ordinary rate of wages’ appear in section 59 of the Factories Act, which required an employer to pay ‘extra wages for overtime’ work in the factory where the workers work in the factory for more than 9 hours in a day or for more than 48 hours in any week, he shall in respect of overtime work be entitled to wages at the rate of twice of his ordinary rate. Ordinary rate if wages includes only salary and allowances for the work [like D.A.]. It does not include such allowances which are either compensatory in character or intensive in nature. Therefore the court held that HRA, city compensatory allowance, transport allowance and Small Family Norm Allowance etc. are not part of ordinary rate of wages.”

12. In view of this legal position, it can be said that HRA which is part from Minimum Wage or ordinary wage cannot be included while calculating the overtime wages. It cannot be said therefore that party No.1 has violated any act, rules or government notification in regard to overtime wages being paid to the concerned workmen.

13. Even then the Ld. Counsel for the concerned workmen submitted that the calculation of overtime wages ought to have been done by taking into account the HRA paid to them in their monthly wages. It is not possible to accept the submission when it is admitted position that the concerned workmen are paid by DGRS rates. They are paid overtime

at the twice rate of ordinary rate of wages and as per legal position in VDA, the HRA is included then there is no question of paying them overtime wages by including HRA. Obviously, they are therefore not entitled to any interest as is claimed by them on balance overtime wages by adding HRA component to their wages for last 3 years.

14. Considering all these facts, I find that the second party workmen are not entitled to overtime wages by taking into account HRA paid to them. Consequently, the action of the management in not paying the overtime wages by adding HRA is legal and justified. The above issues are therefore answered accordingly as indicated against each of them in terms of above observations.

**Issue No. 3, 4 & 5**

15. In view of my findings to the above issues, the second party workmen are not entitled to payment of balance overtime wages by adding HRA component to their wages along with interest as claimed. They are also not entitled to any relief. Hence order.

**ORDER**

Reference is rejected with no order as to costs.

Date: 01.11.2017

M. V. DESHPANDE, Presiding Officer